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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills have been introduced in the Lok Sabha on the 8th August 2022:—

I

BILL NO. 232 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

- (1) This Act may be called the Constitution (Amendment) Act, 2019.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. After article 371-J of the Constitution, the following article shall be inserted, namely:—

Short title and
commencement.

Insertion of
new article
371-K.

Special provisions with respect to State of Bihar.

"371-K. (1) The President may, by order made with respect to the State of Bihar, provide for special responsibility of the Governor to establish a separate development council for the Seemanchal region to be known as the Seemanchal Regional Developmental Council (hereinafter referred to as the Council) to exercise the powers conferred on and to perform the functions assigned to it under this article.

(2) The Council shall be a body corporate having perpetual succession and a common seal, with the powers to acquire, hold and dispose of both movable and immovable property, to enter into and execute contracts, to sue or be sued, as well as any other power in connection with or ancillary to the above and further to the objectives of the Council, including those specifically mentioned in this article.

(3) The office of the Council shall be at such place within the Seemanchal Region as the Council may think fit:

Provided that the Council may establish such number of offices at such places, as it deems necessary to discharge its functions and fulfil its objectives.

(4) The Council shall consist of—

(a) a Chairperson;

(b) one whole time member to be elected by way of the adoption of a resolution to that effect by the House of the People;

(c) not less than four members and maximum six members excluding the Chairperson, to be appointed by the Governor of the State of Bihar, of which—

(i) at least two shall be members having special knowledge of or professional experience in either one or more subjects of rural development, urban planning, irrigation and public works, public health, health management, engineering, conservation and environmental sciences, agricultural sciences, public administration and service delivery, finance, law, education, infrastructure development, and any other subject as may be deemed useful for the Council to perform its functions and fulfil its objectives under this article; and

(ii) two shall be whole time members elected by electorates consisting of representatives of municipalities, district boards and other such local authorities in the Seemanchal region; and

(d) all elected members of the House of the People and legislative Assembly of State of Bihar representing Seemanchal region *ex-officio* members.

(5) Every members of the Council shall be a whole-time member, and shall hold office for a term of five years from the date on which he enters office, or up to the age of sixty-five years, whichever is earlier.

(6) The Governor shall, before appointing any person as a Chairperson or a member of the Council, except for the whole time member elected under clause (b) of sub-section (4), reasonably verify that such person has no financial or other interest in the Council as is likely to affect prejudicially his functions as a Chairperson or member, as the case may be.

(7) The Council shall,—

(a) conduct quarterly public hearings for residents of Seemanchal region;

(b) provide equitable opportunity to persons residing in the Seemanchal region to access education, health services and employment;

(c) provide for the infrastructure necessary for accessing education, health services, employment, flood risk management, connectivity, communication, irrigation and bridges in the Seemanchal region;

(d) ensure that adequate training is imparted for gainful employment to persons residing in the Seemanchal region;

(e) provide for the basic care, including nutrition, shelter, clean environment, and proper sanitation facilities for persons residing in the Seemanchal region;

(f) ensure children below the age of seventeen years are not employed in any kind of labour in the Seemanchal region;

(g) ensure protection to, and make special provision for, women, children, economically backward classes, persons with disabilities, persons who were displaced due to environmental causes or developmental efforts or persons saved from human from trafficking or any other form of exploitation;

(h) encourage opportunities for investment, entrepreneurship, research and innovation in the Seemanchal region;

(i) provide for equitable access to governance, access to justice and legal aid, and delivery of all public services to the persons residing the Seemanchal region;

(j) provide for civic development, potable water and electricity in the Seemanchal region; and

(k) provide access to banking and financial services to any persons residing in the Seemanchal region.

(8) The Council shall prepare and cause to be published—

(a) a Strategic Development Plan once in every three years setting out the development priorities of the Council for the next three years; and

Explanation.—The Strategic Development Plan shall include such research, analysis and proposed measures as are necessary for the execution of the objectives of the Council.

(b) a Seemanchal Annual Development Report, consisting of the measures undertaken or to be undertaken by the Council including the manner of allocation of financial and human resources.

(9) The Council shall have the power to, call for information, inspect, recommend and monitor in relation to executing its objectives as specified in clause 8, including—

(a) conducting research, collecting data and analysing information;

(b) monitoring the implementation of the Strategic Development Plan and the Seemanchal Development Report;

(c) formulating, approving, financing and implementing any plans, programmes, projects and schemes for the Seemanchal region or any part thereof, including providing financial support through grants;

(d) coordinating with any other public authority for inter-regional and intra-regional development;

(e) raising awareness and undertaking advocacy measures for the promotion of practices that are beneficial for the overall well being of the persons residing in the Seemanchal region;

(f) consulting experts for executing the objectives of the Council;

(g) making requisite rules, regulations, orders and byelaws as may be deemed necessary by the Council; and

(h) all other acts as may be deemed necessary for executing the objectives of the Council.

(10) For the purpose of this article there shall be constituted a Fund to be called as the Seemanchal Regional Developmental Council Fund to which shall be credited all monies realised, realisable or received respectively by or on behalf of the Council whilst carrying out its objectives and powers as conferred upon it by this article and be utilised by the Council for the payment of all sums, charges and costs necessary for carrying out the objectives and functions of the Council under this article.

(11) The Council shall, within one hundred and twenty days from the date of its constitution, prescribe regulations for carrying out the provisions of this article.

(12) The Council shall make bye-laws for the management of the Seemanchal Regional Developmental Council Fund and for the procedure to be followed in respect of maintenance of accounts of Fund, auditing of Fund, payment of money into the said Fund, withdrawal of moneys therefrom, the custody of moneys therein and any other matter incidental thereto or connected therewith.

(13) The President shall, in consultation with the Council, by order, made in relation to the State of Bihar, provide for—

(a) reservation of a proportion of seats in school, colleges, technical education and vocational training institutions in the State of Bihar for students belonging to Seemanchal region by birth or by domicile; and

(b) identification of posts or classes of posts under the State Government and in any body or organisation under the control of the State Government of Bihar and reservation of a proportion of such posts for persons belonging to Seemanchal region by birth or by domicile and for appointment thereto by direct recruitment or by promotion or in any other manner as may be specified in the order.

(14) The Parliament, shall, by law make such provisions as are necessary to give effect to the purposes of this article."

STATEMENT OF OBJECTS AND REASONS

It has been recognised that the region of Seemanchal in Bihar ranks lower on all development indices than other parts of the State of Bihar. As per the Ministry of Statistics and Programme Implementation, not only is the per capita income of people of the State of Bihar the lowest in the nation at rupees thirty-one thousand one hundred and ninety nine, the per capita incomes in the major districts in Seemanchal region is far lower than that average as well (Purnea—rupees ten thousand and ninety nine, Kishanganj—rupees nine thousand nine hundred and twenty eight, Araria—rupees eight thousand seven hundred and seventy six, Katihar—rupees eleven thousand two hundred and seventy eight). In terms of the State literacy rate, as determined by the 2011 Census, the districts making up the Seemanchal Area (Purnia—51.08%, Katihar—52.24%, Araria—53.53% and Kishanganj—55.46%) lag significantly behind the literacy rate of the State of Bihar (61.80%), itself behind the national literacy rate (74.04%). This situation of under development is seen across a number of indicators, as is seen from a baseline survey conducted by the Indian Council for Social Science Research in 2008 that found that all four districts lag behind the national average in eight indicators of socio-economic development and amenities based on 2001 census data, as identified by the Ministry of Minority Affairs, namely, electricity connection, *pucca* housing, water closet latrines, literacy rate especially female literacy rate, and also additionally measured level of vaccination, and other health facilities. Therefore, special provisions are required to accommodate the needs of the Seemanchal region.

The special provisions are required to establish an institutional framework for the identification of development needs of the said region, and ensuring capacity building and efficient allocation of resources in order to meet such development needs as well as enhance the socio-economic welfare of the persons belonging to the region. The need is also to promote livelihood opportunities for people from the region by providing for local cadres in service and reservation in educational and vocational training institutions by an amendment to the Constitution of India.

It is accordingly proposed to insert a new Article 371K in the Constitution to provide for special provisions for the region of Seemanchal in Bihar, which shall consist of the districts of Araria, Purnea, Kishanganj, Supaul and Katihar. The proposed article seeks to provide for:—

- (a) establishment of a separate Development Council for the Seemanchal region;
- (b) identification of specific objectives to be undertaken by the Development Council in furtherance of the development of the Seemanchal region, including infrastructure and access to public services;
- (c) sufficient allocation of funds for development over the Seemanchal region, in accordance with the recommendations and suggested measure identified by the Development Council;
- (d) reservation in public employment through the constitution of local cadres for domiciles of the region; and
- (e) reservation in educational and vocational training institutions for domiciles of the region.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 1, 2019.

ASADUDDIN OWAISI

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of Seemanchal Regional Development Council. It also provides for the constitution of the Seemanchal Regional Development Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees twenty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Seemanchal Regional Development Council to make regulations for carrying out the purposes of the Bill. It also empowers the Council to make bye-laws for the management of the Fund, etc. Since the regulations and bye-laws will relate to matters of detail only, the delegation of legislative power is of a normal character.

II

BILL NO. 203 OF 2019

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 84 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

Amendment
of article 84.

"(b) is, in the case of a seat in the Council of States, not less than twenty-five years of age and, in the case of a seat in the House of the People, not less than twenty years of age; and".

Amendment
of article 173.

3. In article 173 of the Constitution, for clause (b), the following clause shall be substituted, namely:—

“(b) is, in the case of a seat in the Legislative Assembly, not less than twenty years of age and, in the case of a seat in the Legislative Council, not less than twenty-two years of age; and”.

Insertion of
new article
329A.

4. After article 329 of the Constitution, the following article shall be inserted, namely:—

Right to
contest and
vote.

“329A. (1) Save as otherwise provided in this Constitution, no prerequisite or standard practice or procedure shall be imposed or applied to, discriminatorily or arbitrarily, deny or abridge the right of any citizen to contest or vote in any election held under this Constitution.

(2) Nothing in this article shall be applicable to any reservation of seats or any provision made for special representation of certain classes under this Constitution.

Explanation.— Any requirement for a minimum educational qualification for contesting an election shall be deemed to be prohibited under this article.”.

STATEMENT OF OBJECTS AND REASONS

In 1989, the Sixty-First Amendment to the Constitution of India lowered the voting age from twenty-one years to eighteen years to the House of the People and Legislative Assemblies of the States. The reason was to include more number of adults and make the democratic process more inclusive. Inclusive democracy in the true sense would mean not only widening the voting net but also ensuring a more inclusive electoral contest. A healthy democracy requires that the pool of contestants reflects the diversity of the electorate. It has even been argued in a PIL that was filed in the Supreme Court that articles 84 and 173 violate the Fundamental Right of citizens to choose a profession. The Public Interest Litigation (PIL) was rejected on the ground that lowering the age of contesting required an amendment to the Constitution, and the Parliament, not the Supreme Court, had the authority to do it.

Parliamentary democracy is part of the basic structure of this Constitution. An essential attribute of parliamentary democracy is free and fair elections. The conduct of a free and fair election cannot be conducted when a major demographic group of citizenry is not eligible to contest in elections. India's largest age group is currently prevented from contesting elections, this despite the fact that young individuals constitute 53.7 per cent. of the total population of India according to the 2011 census. In this light, it is essential that young citizens find a stake in parliamentary democracy and are able to articulate their aspirations and claims in the State Legislatures and the Parliament.

Most democracies across the world have reduced the minimum age for contesting elections over the years to either eighteen years or twenty-one years. For example, the minimum age to contest elections in the United Kingdom (reduced from twenty-one in 2006), France, Germany, Australia is eighteen years. In Israel and Indonesia it is twenty-one years. In Iran persons as young as twenty-one can even become the President of the country. Therefore, while young individuals across the world are enriching their democratic traditions, barring our youth from contesting in elections is regressive and exclusionary. Moreover, in order to strengthen the inclusiveness of our electoral democracy it is necessary that a constitutional protection against discriminatory practices in elections be incorporated.

It has been observed that, increasingly, legislatures have made laws to incorporate school education as a prerequisite to contesting local elections. Similarly, it has been noted that under-trial citizens of this country are prevented from exercising their right to vote. This despite the fact, that they are treated as innocent in the eyes of law.

The Bill, therefore, seeks to amend the Constitution with a view to prevent the dilution of the constitutional principles of equal citizenship and universal suffrage and to bar any discriminatory or arbitrary treatment in abridging the right to vote or contest in elections.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 1, 2019.

ASADUDDIN OWAISI

III

BILL NO. 21 OF 2021

A Bill to provide employment to the local residents of any area in which an industry has been or is going to be set up, ensure basic income to all workers and to establish a regulatory mechanism to protect environment from any adverse effects due to industrialization in such area and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Industrial Employment and Environmental Protection Act, 2021.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires :—

Definitions.

(a) "annual report" means a report giving the details of the development activities taken up over the year by the Authority and providing details about the targets set and achieved;

(b) "appropriate Government" means, the concerned State Government or the Union territory Government, as the case may be, and in all other cases, the Central Government;

(c) "Authority" means the Industrial Employment and Environmental Protection Authority established under section 3; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted for the purposes of this Act, an Authority to be known as the Industrial Employment and Environment Protection Authority for carrying out the purposes of this Act.

Establishment of the Industrial Employment and Environment Protection Authority.

(2) The Authority shall consist of—

- (i) Union Minister of State in the Ministry of Labour and Employment - *ex officio* Chairperson;
- (ii) Union Minister of State in the Ministry of Environment - *ex officio* Vice Chairperson; and
- (iii) Director, Central Board for Employment, Union Ministry of Labour and Employment - *ex officio* member.

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the Authority who have special knowledge pertaining to employment schemes and environmental issues.

(4) The salary and allowance payable to and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

4. (1) The Headquarters of the Authority shall be at New Delhi.

Headquarters and other Officers of the Authority.

(2) The Authority shall establish offices at such other places in the country as it may deem necessary for carrying out the purposes of this Act.

5. The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government.

Meetings and procedure of the Authority.

6. (1) Without prejudice to the provisions contained in this section, the functions of the Authority shall include,-

Functions of the Authority.

(a) undertaking a baseline study to collect comprehensive data about the existing minimum number of local resident employees working in all industries to which land is provided by Government;

(b) undertaking a baseline study to collect comprehensive data of adverse effects on the environment within the circumference of 5 kilometer where the particular industry has been set up, due to the working mechanism of the industry;

(c) formulating a scheme and giving mandatory guidelines to the industries to reserve a certain percentage (at least fifty per cent.) of employee positions exclusively for local residents of that area;

(d) formulating a scheme for providing wages throughout the year for those employed seasonally;

(e) creating an establishment to maintain data on the workers of closed sick industries and to formulate schemes for the welfare of such workers;

(f) formulating eco-friendly schemes and giving mandatory guidelines to protect the flora and fauna in the circumference of 10 kilometer of the particular industry;

(g) installing regular test mechanisms to trace the effects on the environment due to industry production;

(h) recommends penalty including cancellation of licence or such other penalty as are necessary to save the environment for violation of norms or guidelines by industries; and

(i) undertaking such other activities, as may be prescribed by the Central Government.

(2) The Authority shall disseminate the necessary knowledge and information collected, to the respective departments of the Central Government and the State Governments.

Annual
Report.

7. (1) The Authority shall prepare every year an Annual Report in such form and as may be prescribed by the Central Government, giving a summary of its activities including schemes it has undertaken and recommended to the appropriate Government during the previous year and it shall contain the statements of Annual report of the Authority.

(2) A copy of the Annual report shall be forwarded to the Central Government and the Central Government shall cause the Annual Report to be laid, as soon as may be after it is received, before each House of Parliament.

Power to
remove
difficulty.

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

Power to
make rules.

9. (1) The Central Government, in constitution with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days

which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

Article 38 provides that the State shall promote welfare of the people and secure a social order and protect social, economic and political justice to the people. This explicitly means that the State is free to form such policies for the promotion of welfare of the people, as and when it deems fit.

Unemployment is a serious issue for the growing population of the country and the statistics collected in the last decade certainly prove that unemployment is growing rapidly and to generate jobs for the youth is the need of the hour. Setting up of industries is one of the promising solutions to control the unemployment rate. There have been several examples where the State as well as Central Governments have acquired lands from the people and given them to industries to promote industrialisation in the country. In return, monetary compensation is given to the land holders for the land acquisition done by the Government. However, one-time monetary compensation is not the only way, the Government can also formulate such schemes by giving mandatory guidelines to the industrialists to hire certain percentage of their employees from the local area where the industry is being set up. This can be the adept way to tackle the problem of rapidly growing unemployment rate of the country.

Studies of the industrial revolution show that the growth of industries has adversely affected the environment. This also alludes to the fact that proper precautionary measures are not being taken either by the industries or the Government. Right to clean and healthy environment is a fundamental right which comes under the purview of article 21 of the Constitution. Human needs are limitless and when it comes to urbanisation, they are never satisfied. We as humans compromise with nature as per our convenience. But, we often forget about the role the environment plays in our lives. The green environment that we live in consists of air, water, sunlight, trees etc. Everything that the environment consists of is important to us. It is the duty of the State to establish an Authority and some kind of control mechanism for the industries, given their arbitrary practices have already affected the environment adversely.

This Bill provides for the aforementioned necessary safety net. By providing for these measures, it will be the much-needed antidote required to control unemployment and growing environmental issues within the country.

Hence, this Bill.

NEW DELHI;
October 29, 2019.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Industrial Employment and Environment Protection Authority. It also provides for appointment of officers and staff to the Authority. Clause 4 provides for establishment of Headquarters and officers of the Authority. Clause 6 provides for the Authority to undertake studies and formulate schemes for the better management of industry and environment. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Seventy Five Crore per annum will be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Fifteen Crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empower the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

IV

BILL NO. 75 OF 2021

A Bill to provide for the gender specific needs of female farmers, to protect their legitimate needs and entitlements and to empower them with rights over agricultural land, water resources and other related rights and for functions relating thereto and for matters connected therewith.

WHEREAS female constitutes more than fifty per cent. of Indian farmers and about sixty per cent. of the workforce in the farming sector; and in view of the increasing feminisation of agriculture as a result of out-migration of men, entitlements for female farmers are essential for the future growth and health of agriculture, as well as protection of food security in an era of climate change;

AND WHEREAS it is necessary to recognize and protect the gender specific needs and rights of the female farmers by empowering and entitling them with enforceable rights over agricultural land, water resources, credit and other related rights;

AND WHEREAS the Married Women's Property Act, 1874 recognised the wages,

earnings and other property acquired by a married woman in any employment, occupation or trade carried on by her in her individual capacity as her separate property; the Hindu Succession (Amendment) Act, 2005 entitles the daughter of a Joint Hindu family governed by the Mitakshara law, to become a coparcener in her own right in the same manner as the son and clothes her with the same rights and liabilities in the coparcenary property as if she had been a son; the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognised the rights of forest-dwelling communities to the forest land and other forest resources;

39 of 2005.

2 of 2007.

AND WHEREAS the Government of India has recognized the special needs of female farmers by initiating a "Mahila Kisan Shashaktikaran Pariyojana" programme under the National Rural Livelihood Mission;

AND WHEREAS India is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 which calls for elimination of all forms of discrimination of women by ensuring equal access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

AND WHEREAS the Fourth World Conference on women in September, 1995, in which India participated, called for legislative and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other properties, credit, inheritance, natural resources, and appropriate new technology, etc. as embodied in the Beijing Declaration and Platform for Action;

AND WHEREAS it is considered necessary to implement the decisions in so far as they relate to the female farmers' entitlements under article 253 of the Constitution of India.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Female Farmers' Entitlements Act, 2021.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agriculture" includes all activities related to cultivation of crops, animal husbandary, poultry, livestock rearing, apiculture, gardening, fishing, aquaculture, sericulture, vermiculture, horticulture, floriculture, agro-forestry, or any other farming activity carried out through self-employment, tenurial cultivation, share cropping, or other types of cultivation including shifting cultivation, collection, use and sale of minor or non-timber forest produce by virtue of ownership rights or usufructuary rights;

(b) "agricultural activity" means any activity related to agriculture;

(c) "farmer" means any person who is, individually or jointly with any other person,—

(i) engaged in agriculture directly or through the supervision of others;

or

(ii) contributes to conservation or preservation of agriculture related varieties or seeds or breeds of farm animals; or

(iii) contributes through traditional knowledge to any type of innovation, conservation or to propagation of new agricultural varieties or to agricultural cultivation methods or practices or to the practice of crop-livestock integrated farming system; or

(iv) promotes agro-processing and value-addition to primary products.

Explanation.—(i) The term "farmer" includes, but not limited to, agricultural operational holders, landless cultivators, agricultural labourers, planting labourers, pastoralists, sharecroppers and tenants but does not include the corporate entities operated by or involving farmers.

(ii) In case of landless farmers migrating or moving from one State to another, if anyone stays in a State for at least six months, such person shall be considered as a farmer in that particular State;

(d) "guidelines" means the guidelines framed by the Authority under this Act with the previous approval of the Central Government by notification in the Official Gazette.

(e) "land" includes any land or water body utilised for the purpose of agriculture.

(f) "female farmer" means, any woman, irrespective of marital status or ownership of land, who is a farmer as defined in sub-section (c) of section 2 and includes—

(i) any woman living in rural area and primarily engaged in agricultural activity, though occasionally engaged in non-agricultural activity; or

(ii) any woman living in urban or semi-urban areas and engaged in agriculture; or

(iii) any tribal woman directly or indirectly engaged in agriculture or shifting cultivation or in the collection, use and sale of minor or non-timber forest produce by virtue of usufructuary rights.

(g) "prescribed" means prescribed by rules made under this Act;

CHAPTER II

CERTIFICATION OF FEMALE FARMER

3. (1) A Female Farmer Certificate issued by the Gram Panchayat, after the approval of the Gram Sabha and authenticated by the Village Administrative Officer or an authorized officer of the Gram Panchayat, as may be prescribed, shall be the conclusive proof of declaring a person as a female farmer.

Certification of Female Farmer.

(2) For urban or peri-urban areas, the certificate shall be issued by the urban local body with the approval of any corresponding authority as notified under the rules:

Provided that a group of female farmers may obtain the Group Female Farmers' Certificate in the same process as may be prescribed.

4. The certificate issued under section 3 shall be accepted as evidence for the purposes of establishing the status of a person as a female farmer under this Act including in all administrative and judicial proceedings.

Acceptance of certificate as evidence.

CHAPTER III

LAND RIGHTS

Equal land
rights to
female farmer.

5. Notwithstanding anything contained in any other law for the time being in force, every female farmer shall have equal ownership and inheritance rights over her husband's self acquired agricultural land, or his share of family property, or his share of land transferred by the Government under land reform or resettlement scheme:

Provided that concurrence of both the spouses shall be necessary in the case of land transfer or acquisition as per the provision of the provided land acquisition and rehabilitation law.

Explanation.—For the purposes of this section, a female farmer shall be deemed to have ownership and possession of equal and proportional share of agricultural property in her husband's property even, if, it is not mentioned in any of the relevant documents and the fact that she is the wife of a particular person is the conclusive proof to claim ownership and possession of her share of property and to have effective control over such share of property.

CHAPTER IV

WATER RIGHTS

Equal right to
water
resources.

6. A female farmer shall have equal right, as enjoyed by male farmers, to all water resources connected with the agricultural land to which she is the owner, share holder, possessor or uses for farming activity and shall have access to water, water resources and irrigation facilities for carrying out agricultural activities as defined in this Act.

No
discrimination
for irrigation
purposes.

7. No female farmer shall be discriminated on the grounds of marital status, religion, caste, ownership or possession of agricultural land while accessing water resources for irrigation purposes.

CHAPTER V

LEGAL ACCESS TO CREDIT AND OTHER AGRICULTURAL INPUTS

Entitlement of
female farmers
to get credits,
loans and other
financial
supports.

8. Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of this Act,—

(i) every female farmer or group of female farmers who have a certificate of Female Farmer from the appropriate Authority shall be entitled to Kisan Credit Card which as of now is available mainly to male farmers.

(ii) a female farmer or group of female farmers shall be entitled to borrow money and other financial support for agricultural activity either in her own capacity or as a member of a female farmer group, as may be prescribed in the rules without any discrimination on the grounds of marital status, place of residence, caste, religion, or absence of collateral security.

CHAPTER VI

FUND FOR SUPPORT SERVICES TO FEMALE FARMERS

Establishment
of Fund.

9. (1) The Central Government shall set up a Central Agricultural Development Fund for Female Farmers (CADFFF) under this Act, which shall be used to empower female farmers and provide facilities such as incentives for development of female farmer friendly technologies, training and capacity building, creation of market facilities, organization of crèches and day care centres, social security for female farmers, old age pensions and other related issues as may be prescribed.

(2) The Fund shall operate at the Central, State and District levels.

(3) The Fund shall be administered under the guidance of an appropriate Authority to be appointed by the Central Government at the Central level and offices of the Authority shall be set up, in consultation with the State Government, at the State and District level in such manner as may be prescribed.

(4) The Fund shall receive contributions and grants from the Central and State Governments, user fees as specified under the rules and guidelines framed under this Act.

(5) The Authority shall support to individual female farmer and groups of female farmers organized in the form of registered female's cooperatives or Mahila Kisan Kendras as per the guidelines framed under the Act.

(6) The appropriate Authority shall frame guidelines with the previous approval of the Central Government by notification in the Official Gazette, for distribution and utilization of the Fund.

(7) The Central Government shall frame a scheme for social security of female farmers, especially old age pension as may be prescribed.

(8) The appropriate Authority shall also have the power to secure land from the Government and other sources for re-distribution of land to female farmers as prescribed under this Act.

10. Any person who wants to develop female-friendly technology, may qualify for short term and long term loans or grants or subsidies or Financial assistance from the Fund as per the guidelines framed under the Act.

Female farmer friendly technology.

Explanation.—The term 'any person' in this section includes individuals and small and medium scale industries.

11. The appropriate Authority shall create and facilitate market facilities for female farmers with the assistance of group of female farmers or of its own in different parts of the country including the establishment of godowns in rural areas.

Market Facilities.

12. The appropriate Authority shall organise regular and periodical training and capacity building programmes for female farmers in different parts of the country to make them aware of the provisions of this Act and to help them in realising their entitlements and empowerment envisaged under this Act.

Training and capacity building.

CHAPTER VII

IMPLEMENTATION AND MONITORING AUTHORITIES, THEIR RESPONSIBILITIES

13. The Central Government shall be responsible for overall implementation and monitoring of the Act, except as provided in this Act.

Responsibilities of Central Government.

14. (1) The State Governments shall be responsible for implementation and monitoring of provisions relating to certification of female farmers, realization of land and water rights, operationalization of the Fund at the State and District levels and other responsibilities as mentioned in this Act.

Responsibilities of State Government.

(2) The State Government may appoint Authorities for carrying out such functions.

(3) The offices of the authority set up in consultation with the State Government shall ensure that the land rights and water rights of the female farmers are institutionalized within the state with suitable amendments to the laws and/or Gazette notification.

Responsibilities
of local
authorities.

15. For implementing different provisions and schemes of this Act, the local Authorities such as the Panchayati Raj Institutions in rural areas and Urban local bodies in urban areas shall be responsible for discharging such duties or responsibilities as may be assigned by notification to them by the concerned State Government.

Female
Farmers,
Entitlement
Board.

16. (1) Each State Government shall set up a Female Farmers' Entitlement Board at the State level to advise the State Government in implementation and monitoring of the Act.

(2) The Board shall consist of a practicing female farmer as its Chairperson and two other members dealing with or experienced in technology, credit, inputs and marketing.

(3) The tenure of the Board members shall be such as prescribed.

(4) The Board shall follow such procedure in regulating its proceedings as may be prescribed.

District
Vigilance
Committees.

17. (1) For ensuring transparency in functioning of this Act and accountability of the functionaries, every State Government shall set up a District Vigilance Committee in every district.

(2) The Composition of the Vigilance Committee shall be such as may be prescribed.

(3) The Vigilance Committees shall look into effective implementation of all the provisions of the Act at the district level.

Redressal of
grievances.

18. For expeditious and effective redressal of grievances of female farmers, each State Government shall set up effective institutional mechanism at the taluka or tehsil or block level and an appellate mechanism at the District level in such manner, as may be prescribed.

CHAPTER VIII

PENALTIES AND PROCEDURES

Penalty for
non-
compliance of
provisions of
this Act.

19. Whoever fails to comply with provisions of this Act, rules or guidelines made under this Act shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine, or with both.

Cognizance of
offences.

20. (1) Any person aggrieved by violation of any provision of this Act, rules or guidelines made under this Act may file a complaint, within ninety days from the date of such violation, to a Court not inferior to that of a Judicial Magistrate of the first class or a Metropolitan Magistrate:

Provided that the Court may entertain any complaint after the expiry of the said period of ninety days if it is satisfied that the complainant was prevented by sufficient cause from filing the complaint within time.

(2) For the purposes of sub-section (1), person means—

(a) any female farmer who is affected;

(b) husband or representative of the female farmer who is affected;

(c) any association of farmers (whether incorporated or not), if it is affected or on behalf of an affected female farmer;

(d) any local authority within whose local limits the affected female farmer or association of persons or farmers live.

21. No prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith.

Protection of actions taken in good faith.

CHAPTER IX

MISCELLANEOUS

22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding effect.

23. Notwithstanding anything contained in any other law for the time being in force but subject to the provisions of this Act, the Central Government may, issue directions in writing to any person, officer or any authority in order to give effect to the provisions of this Act and such person, officer or authority shall be bound to comply with such directions.

Power to give directions.

24. Notwithstanding anything contained in this Act, if the State Government, after consultation with, or on the recommendation of, the local body or authority, is of opinion that certain provision or provisions of this Act need not apply to certain areas of the State, it may, by notification in the Official Gazette, restrict the application of such provision of this Act to such area or areas as may be declared therein and thereupon such provisions of this Act shall not apply to such area or areas.

Power of State Government to restrict the application of the Act to certain areas.

25. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act to remove the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

26. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) issuance of Female Farmer Certificate under section 3;

(b) facilitating financial support for female farmers under section 8;

(c) utilization of Central Agricultural Development Fund for Female Farmers (CADFFF) under section 9;

(d) functions and proceedings of the Female Farmers' Entitlement Board under sub-section (4) of section 16;

(e) composition of District Vigilance Committee in every district under section 17;

(f) institutional mechanisms for expeditious and effective redressal of grievances of female farmers under section 18.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule or regulation should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With a gradual decline in the size of farm holdings, small and marginal farmer families are in need of multiple sources of income to come out of the poverty trap. Males in the families in rural area belonging to poor families increasingly tend to go to towns and cities seeking work and income earning opportunities. Consequently, there is an increasing feminization of agriculture. While female farmers are extremely hard working and are also conversant with sustainable agriculture practices, they suffer from several handicaps such as title to land, and access to credit, inputs, insurance, technology and market. As early as 1995, the Fourth World Conference on Female held in Beijing urged developing countries to pay attention to the gender specific needs of female farmers. Legal entitlements to food can be implemented only by improving the productivity, profitability and sustainability of small farm holdings, since small and marginal farmers produce nearly fifty per cent of the foodgrains in the country, as well as milk and a wide variety of vegetables and fruits. In order to safeguard national food security, and to strengthen the livelihood security of rural female, a majority of whom are engaged in crop and animal husbandry, fisheries, agro-forestry and agro-processing, the Bill is being proposed. It is necessary to implement the aforesaid decisions under article 253 of the Constitution in so far as they relate to the female farmers' entitlements.

Hence, this Bill.

NEW DELHI;
October 31, 2019.

RAMA DEVI

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for Establishment of a Central Agricultural Development Fund for Female Farmers. It also provides for appointment of an appropriate Authority to administer the Fund at Central, State and District level. Clause 11 empowers the appropriate Authority to create and facilitate market facilities for female farmers. Clause 12 provides for organising training and capacity building programmes for female farmers. Clause 16 provides that State Governments shall set up Female Farmers' Entitlement Board at State level. It also provides for appointment of a practicing female farmer as its chairperson. Clause 17 provides for setting up of District Vigilance Committee. Clause 18 provides for setting institutional mechanisms at taluka or tehsil level for redressal of grievances. The expenditure relating to States shall be borne out of the Consolidated funds of the State Government concerned. However, the expenditure relating to union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Authority to make guidelines with the previous approval of the Central Government by notification in the Official Gazette. Clause 26 empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters in respect of which rules, guidelines may be made or framed relate to matters of procedure or administrative detail and it is not practicable to provide for them in the Bill itself, the delegation of legislative power is, therefore, of a normal character.

V

BILL NO. 327 OF 2019

A Bill to provide for the establishment of a National Consultation Commission for public consultation on various legislative proposals introduced in either House of Parliament and are under consideration and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the National Consultation Commission Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "consultation" means invitation, collection, storage and presentation of comments from citizens or organizations located and registered in the country;

(b) "Commission" means the National Consultation Commission established under section 3;

(c) "Fund" means the National Consultation Fund constituted under section 6;

(d) "Prescribed" means prescribed by rules made under this Act; and

(e) "Anonymization" means removal of personally identifiable information like name, location, gender, religion and such other information as is determined by the Union Government.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Consultation Commission for carrying out the purposes of this Act.

Establishment
of the
National
Consultation
Commission.

(2) The Commission shall consist of—

(a) a chairperson;

(b) a Vice Chairperson;

(c) two Members;

to be appointed by the President by warrant under his signature and seal.

(3) The Commission shall have the power to regulate its own procedure.

(4) The Central Government shall provide such number of experts, officers and staff to Commission, as may be required for its efficient functioning.

(5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, members, experts, officers and staff of the Commission shall be such as may be prescribed.

4. (1) The Commission shall,—

Functions of
the
Commission.

(a) put into public domain, the legislative business that has been conducted in any of the Houses of the Parliament through such means as it considers appropriate;

(b) collect public opinions and store the same;

(c) place in the public domain, the entire data — after anonymization of the same;

(d) present its report to the Parliament as the time of voting on the same legislative proposal —which shall although 'not' be voted upon but shall act as a guiding principle to the Parliament and its esteemed members; and

(e) undertake such other functions as may be assigned to it, from time to time, by the Parliament.

(2) The Commission shall provide for public consultation over a specific legislative proposal by—

(a) providing an opportunity to either support or oppose the entire Bill; and

(b) providing an opportunity to submit detailed explanation behind the support or opposition.

5. The Central Government shall provide after due appropriation made by Parliament by law in this behalf, necessary requisite funds, from time to time, for carrying out the purposes of this Act.

Central
Government
to provide
adequate funds
to the
Commission.

6. The Central Government shall appoint a Secretary to the Commission to exercise such powers and perform such duties as may be delegated to him by the Chairperson and the Vice-Chairperson.

Appointment
of a Secretary
to the
Commission
by the Central
Government.

Power to
remove
difficulty.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty.

Act to have
overriding
effect.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and, if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rules shall thereafter have effect only in such modified form, or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Indian Constitution starts with a preamble which reads out as "WE THE PEOPLE...." Thereby emphasising on the importance of its citizens in the nation building process.

The Westminster form of parliamentary democracy, which we adopted, sometimes, pave way for difference in opinion between the public representatives and the real holders of democratic power—the citizens themselves.

Moreover, not every Bill can be sent to the Standing Committees of the Parliament for detailed scrutiny and inclusion of public opinions, due to apparent time and financial constraints.

Therefore, to bridge the gap that exists, as has been stated above, the Bill provides for a National Consultation Commission to provide for a mechanism for the citizens and pressure groups to have their voices heard in the legislative process. The Commission, *inter alia*, shall—

(i) provide for avenues for the citizens to express their opinions.

(ii) present the collected opinions in the form of a report to the Parliament at the time of voting on the given legislative proposal, which shall despite being non-binding in nature—shall act as moral guide for the law makers in the Parliament.

(iii) provide an insight to the Parliament on how the citizens of the country see a particular piece of legislation.

The Bill, therefore, seeks to establish a Commission which shall provide citizens with an opportunity to put their perspectives in front of the highest law-making body in the country and to allow for suitable alignment of the policies in order to cater to the intended beneficiaries and other stakeholders effectively.

Hence, this Bill.

NEW DELHI;
November 5, 2019.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Consultation Commission. It also provides that the Central Government shall make available necessary experts, officers and staff for the efficient functioning of the Commission. Clause 5 provides that the Central Government shall provide requisite funds to the Commission for carrying out the provisions of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

VI

BILL NO. 334 OF 2019

A Bill to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Maintenance and Welfare of Parents and Senior Citizens (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

56 of 2007.

2. After Chapter II of the Maintenance and Welfare of Senior Citizens Act, 2007, the following Chapter and sections thereunder shall be inserted, namely:—

Insertion of new Chapter IIA.

"CHAPTER IIA

THE NATIONAL COMMISSION FOR SENIOR CITIZENS

18 A. (1) The Central Government shall, by notification in the Official Gazette, establish a National Commission for Senior Citizens, hereinafter referred to as the Commission, for carrying out the purposes of this Act.

Establishment of National Commission for Senior Citizens.

(2) The Commission shall consist of,

(a) Chairperson;

(b) a Vice Chairperson;

(c) One representative each from the minority, the Scheduled Castes, the Scheduled Tribes and Other Backward Classes of people;

(d) One woman; and

(e) two senior citizens or persons working in the field of welfare of senior citizens, to be appointed by the Central Government in such manner as may be prescribed.

(3) The Commission shall have the power to regulate its own procedure.

(4) The Central Government shall appoint a Secretary and such other officers and staff as it may deem necessary to the Commission.

(5) The salary and allowances payable to and other terms and conditions of Chairperson, Vice Chairperson and other member, of the Commission shall be such as may be prescribed.

18 B. (1) The Commission shall—

Function of the Commission.

(a) investigate and monitor all matters relating to the safeguards provided for the senior citizens under this Act or the Constitution or under any other law for the time being in force or under any order of the Central Government;

(b) evaluate the working of safeguards provided under this Act;

(c) inquire into specific complaints with respect to the deprivation of rights and safeguards of the senior citizens;

(d) participate and advise on the planning process of socio-economic development of the senior citizens and evaluate the progress of their development under the Central Government and State Governments;

(e) present to the Central Government annually and at such other times as the Commission may deem fit, reports upon the working of safeguards provided under this Act;

(f) make recommendations as to the measures that should be taken by the Central Government or the State Governments for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the senior citizens; and

(g) discharge such other functions in relation to the protection, welfare and development and advancement of the senior citizens as may be prescribed.

(2) The Central Government shall cause all such reports, as are presented to it under clause (e) of sub-section (1), to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(3) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government concerned and the State Government shall cause such report to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to that State and the reasons for the non-acceptance, if any, of any of such recommendations.

Powers of
Commission.

18C. The Commission shall, while performing its functions under section 18B, have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

Central and
State
Governments
to consult the
Commission.

18D. The Central Government and every State Government shall consult the Commission on all major policy matters affecting senior citizens."

Constitution
of Senior
Citizens
Commission
Fund.

18E. (1) The Central Government shall by notification, constitute a Fund to be known as the Senior Citizens Commission Fund for the purpose of administrative and expenses of the Commission.

(2) There shall be credited to the Fund all the grants made by the Central Government, after due appropriation made by Parliament, by law in this behalf.

STATEMENT OF OBJECTS AND REASONS

Senior Citizens in India constitute one hundred and four million population as per the 2011 census. Today Senior Citizens on a very large scale continue to live a life of misery, loneliness and exploitation. As a matter of fact, fifty-one million elderly in India live below the poverty line.

National Policy on older persons was announced by the Government of India in the year 1999. It was set up in the pursuance of UNGA. Regular 47/S to observe 1999 as the International year of Older Person. Also, the well being of the Senior Citizens is mandated under article 41 of the Constitution. The Planning Commission had also approved the proposal of the "Working Group on Social Welfare to formulate the Five year Plan." To establish a National Commission for Senior Citizens. However, since then no efforts have been made in this regard.

With a view to ensure the well-being of senior citizens, by strengthening their legitimate place in society and extending support for financial and food security, healthcare, shelter, equitable share in development, protection against abuse and exploitation and fulfillment of other needs, there is a necessity for setting up a National Commission for the Senior Citizens.

The Bill, therefore, seeks to amend the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 with a view to establish a National Commission for Senior Citizens for the protection and welfare of senior citizens.

Hence, this Bill.

NEW DELHI;
November 5, 2019.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for constitution of the National Commission for Senior Citizens. It also provides for appointment of a Chairperson, Vice Chairperson, other members, Secretary and other officers and staff of the Commission. It further provides for Constitution of a Senior Citizens Commission Fund for the administration of the Commission. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred. However, it is estimated that a recurring expenditure of about rupees ten crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill empowers the Central Government to appoint the Chairperson, Vice-Chairperson and three members of the National Commission for Senior Citizens in such manner as may be prescribed by rules made under this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

VII

BILL No. 328 OF 2019

A Bill to provide for compulsory military conscription to every Indian in the age group of seventeen to twenty-three years of age and for matter connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Military Conscription Act, 2019.

(2) It extend to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "military conscription" means six months of training and twelve months of service in the armed forces of the country; and

(b) "citizen" means every citizen between seventeen to twenty-three years of age.

3. (1) Every citizen shall undergo military conscription in such manner as may be prescribed.

Compulsory
Military
conscription
for every
citizen.

(2) Every citizen who undergoes military conscription under sub-section (1) shall,—

(a) not receive any salary, stipend or any other type of remuneration in cash or kind in any manner whatsoever during the entire period of conscription;

(b) have the option to choose his joining age within the age group of seventeen to twenty-three years; and

(c) receive physical and cognitive training, as may be deemed necessary by the Central Government.

(3) The military conscription under sub-section (1) shall be provided free of cost and entire expenditure shall be borne by the Central Government:

Provided that if the citizen undergoing military conscription is having income above the Income Tax exemption limit, he may be made liable to pay subscription fees for the training period, as may specified by the Central Government under this Act.

4. No person shall be compelled to undergo military conscription under sub-section (1) of section 3, if he is,—

Exemptions.

(a) a person with disabilities; or

(b) a person with criminal record(s) or convicted for an offence; or

(c) exempted due to religious considerations; or

(d) he is a Non-Resident Indian (NRI) who has left the country at least sixty months prior to the eligible age of seventeen years and has not returned to the country for a period of not more than thirty days at once by the maximum age of twenty-three years; or

(e) exempted under any Acts of the Parliament.

43 of 1951.

5. In section 11A of the Representation of the People Act, 1951, after sub-section (3), the following sub-section shall be inserted, namely:—

Amendment
of the
Representation
of the People
Act, 1951.

"(3A) Any person who found guilty of any offence punishable under the Compulsory Military Conscription Act, 2019, by the order of the President shall be disqualified for such period, as determined, for voting at any election".

6. Any citizen who denies to undergo military conscription under sub-section (1) of section 3 shall be declared disqualified to vote under section 11A of the Representation of the People Act, 1951.

Penalty.

43 of 1951.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing difficulty.

Power to
remove
difficulty.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding
effect.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Gandhi ji stated that rights cannot exist without duties. As articles 19 and 21 of the Constitution provide right to life and liberty, there emerges a need for every citizen to fulfil his duty of protecting the country, without which, such rights would have no real significance.

The need is to prioritise the love for our nation among the citizens, train the citizens in case of a war, instill discipline among youth, train women in the art of self-defence and give real life experience of a soldiers' life.

The Bill, therefore, attempts to provide for compulsory national military service for all citizens between the age group of seventeen and twenty-three years to achieve the above objectives.

Hence, this Bill.

NEW DELHI;
November 5, 2019.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the compulsory military conscription for every citizen who is in age group of seventeen to twenty-three years. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

VIII

BILL NO. 152 OF 2022

A Bill further to amend the Legal Services Authorities Act, 1987.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows :—

Short title and
commencement.

1. (1) This Act may be called the Legal Services Authorities (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint.

Amendment of
section 12.

2. In section 12 of the Legal Services Authorities Act, 1987—

39 of 1987.

(a) after clause (a), the following clause shall be inserted, namely:—

"(aa) a senior citizen or a transgender;" and

(b) in clause (h):—

(i) for the words "nine thousand" the words "five lakhs"; and

(ii) for the words "twelve thousand" the words "seven lakhs" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Legal Services Authorities Act, 1987 was enacted to provide free legal and equal justice to all citizens. No citizen is being denied access to justice on the basis of economic disadvantage or in any other way. However, the cost of accessing justice is increasing and the amount prescribed in the Act to avail the free aid is very less. As of now various States and Union territories have revised income from rupees nine thousand to rupees three lakhs with a view to avail the free legal aid. There is no similarity in the income tariff fixed by the States. This criteria is not sufficient to achieve the object.

Also, many of the deserving categories are still ousted from the purview of the Act. The vulnerable sections like senior citizen, differently abled person and transgender are not being provided adequate legal aid. In view of the above it is considered necessary to amend the existing law.

The Bill, therefore, seeks to amend the Legal Services Authorities Act, 1987 with a view to,—

(a) include senior citizens and transgender as the entitled person;

(b) increase the annual income criteria from "rupees nine thousand" and "rupees twelve thousand" to "rupees five lakhs" and "rupees seven lakhs", respectively to avail legal services under the Act.

Hence, this Bill.

NEW DELHI;
July 1, 2022.

N.K. PREMACHANDRAN

IX

BILL No. 184 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 93 of the Constitution, the following provisos shall be inserted, namely:—

Amendment of
article 93.

"Provided that the Deputy Speaker shall be chosen within one month from the date of election of the Speaker:

Provided further that in case the office of Speaker or Deputy Speaker become vacant, the House shall choose another member to be Speaker or Deputy Speaker, within one month from the date of such vacancy, as the case may be."

STATEMENT OF OBJECTS AND REASONS

Article 93 of the Constitution specifically stated that "The House of the people shall as soon as may be choose two members of the House to be respectively Speaker and Deputy Speaker thereof ". The legislative intention in article 93 is not complied with due to the lack of time stipulation. The words used in article 93 "as soon as" is not considered in the case of choosing the Deputy Speaker of the House of People. The post of Deputy Speaker of House of People is vacant for long time. It is highly necessary to fill up the vacancy of the Deputy Speaker for the compliance of Constitutional provisions. This House is bound by the mandate of Constitution. But the same is prolonged taking the advantage that there is no time stipulation. Hence it is necessary to amend the article 93 by inserting specific time limit for choosing the Deputy Speaker of the House of People.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

N.K. PREMACHANDRAN

X

BILL NO. 175 OF 2022

A Bill to provide for framing of Agnipath Scheme for recruitment of soldiers in the armed forces of the Union and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Agnipath Scheme Act, 2022.

(2) It shall also apply to citizens recruited under the Agnipath Scheme introduced by the Central Government on 14th June, 2022.

(3) It shall, in case of citizens recruited under this Act, come into force at once and in respect of recruits appointed under the Central Government Agnipath Scheme, be deemed to have come into force w.e.f. the date of commencement of the Central Scheme.

Short title,
application
and
commencement.

Definitions.	<p>2. In this Act, unless the context otherwise requires.</p> <p>(a) "Agnipath Scheme" means Agnipath Scheme framed under section 3;</p> <p>(b) "Agniveer" means the candidate selected and enrolled under the Agnipath Scheme under this Act; and</p> <p>(c) "prescribed" means prescribed by rules made under this Act.</p>
Agnipath Scheme.	<p>3. The Central Government shall, by notification in the Official Gazette, frame a Scheme to be known as the Agnipath Scheme and maintain a corp under the scheme to be named as Agnipath to provide academic, military and physical training in a moral-ethical military environment.</p>
Units of Agnipath and Recruitment of Agniveer	<p>4. The Central Government may constitute one or more units of Agnipath in Indian Army, Navy and Air force as it deems fit.</p>
Enrolment as Agniveer.	<p>5. (1) Under the Agnipath Scheme framed under section 3, Indian citizens between the age of seventeen and half and twenty three years with requisite qualification, may be enrolled as Agniveer in Indian Army, Navy, Air force in such manner as may be prescribed:</p> <p>Provided that the enrolment of Agniveer under the Agnipath Scheme shall be in addition to the existing personnel under the Indian Army, Navy and Airforce.</p> <p>(2) Each Agniveer shall be enrolled through central transparent rigors system by ensuring proportionate representation of candidates from each States and Union territories in such manner as may be prescribed.</p>
Tenure of service of Agniveer.	<p>6. The tenure of service of Agniveer enrolled under the Agnipath Scheme formulated under section 3 shall be four years.</p>
Duties of Agniveer.	<p>7. Each Agniveer shall—</p> <p>(a) be liable for active military service;</p> <p>(b) serve the nation from terrain to mountain to deserts on land, sea or air; and</p> <p>(c) be liable to perform such duties as may be prescribed.</p>
Pay and Allowances of Agniveer.	<p>8. The pay and allowances of Agniveer shall not be less than that of the soldier, sailor or airman of the similar period of service in Indian Army, Navy and Air force, as the case may be.</p>
Disability and Death Compensation of Agniveer.	<p>9. The disability and death compensation of Agniveer shall not be less than that of the soldier, sailor or airman of the similar period of service in Indian Army, Navy and Air force.</p>
Benefits and Family Benefits of Agniveer.	<p>10. The benefits welfare of Agniveer and the family of the Agniveer shall not be less than that of soldier, sailor or airman of the same period of service in Indian Army, Navy and Air force.</p>
Option to continue in Defence Service.	<p>11. Each Agniveer shall have option to continue in the service of Indian Army, Navy and Air force as the case may be:</p> <p>Provided that no Agniveer shall continue in Indian Army, Navy and Air force, as the case may be, after successful completion of four years of service under he has given his consent in writing to that effect.</p>
Retirement Benefit.	<p>12. (1) Every Agniveer enrolled under this Act shall retire on expiration of the period of four years for which he was enrolled as an Agniveer and shall be entitled to every retirement benefit except the case in which he has consented to continue in the service of Indian Army, Navy, Air force, as the case may be.</p>

(2) Every Agniveer retired from Agnipath without opting continuous service in Indian Army or Navy or Air force shall be entitled financial benefit of an amount of rupees not less than fifty lakhs, skill gained certificate and certificate of academic qualification in such manner as may be prescribed.

13. The Central Government may provide for the appointment of officers in or for the Unit of Agniveer from amongst the officers of the Army, Navy and Air force as the case may be.

Appointment of Officers.

14. If any Agniveer contravenes any provision of this Act he may be liable to such punishment and in such manner as may be prescribed.

Punishment for offences under this Act.

15. There shall be three divisions of Agnipath namely—

Divisions of Agnipath.

(1) Army Division : Recruitment of Agniveer for training and service under Indian Army.

(2) Navy Division : Recruitment of Agniveer for training and service under Indian Navy; and

(3) Air force Division : Recruitment of Agniveer for training and service under Indian Air force.

16. (1) The Central Government may, for the purpose of advising it on all matters of policy connected with the Constitution and administration of the Agnipath Scheme, appoint a Central Advisory Committee consisting of the following persons namely:—

Power to appoint Advisory Committees.

(a) Union Minister of Defence, who shall be the Chairperson of the Committee;

(b) the Secretary to the Government of India, Ministry of Defence - Member;

(c) the Chief of the Defence Staff - Member;

(d) the Chief of the Army Staff - Member;

(e) the Chief of the Naval Staff - Member;

(f) the Chief of the Air Staff - Member; and

(g) five Members of Parliament of whom three shall be elected by the House of the People and two by the Council of States - in such manner as may be prescribed-Members.

(2) A member elected under clause (g) of sub-section (1) shall hold office for a period of three years from the date of his election or until he ceases to be a Member of the House from which he has been elected whichever is earlier.

(3) The Committee shall meet at least once in three months.

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the objects of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) prescribe the conditions subject to which Army, Navy and Air force shall be allowed to raise units under this Act;

(b) prescribe the persons who may be eligible for enrollment as Agniveer;

(c) prescribe the manner in which, the period for which and the conditions subject to which any person or class of persons may be enrolled under this Act;

(d) provide for the medical examination of persons offering themselves for enrollment under this Act;

(e) prescribe periodical military training for any person for class of persons subject to this Act;

(f) prescribe the military or other obligations to which members of the Agnipath shall be liable when undergoing military training and provide generally for the maintenance of discipline amongst members of the Corps;

(g) prescribe the duties, powers and functions of officers appointed under this Act;

(h) prescribe the allowances or other remuneration payable to persons subject to this Act;

(i) provide for the removal or discharge of any person subject to this Act;

(j) prescribe the offences for which any person subject to this Act may be tried and provide for the trial thereof;

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of thirty days as aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be made without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

To provide academic, military and physical training in a moral ethical military environment to prepare and motivate Indian youth between age of Seventeen and half and Twenty Three for the enrolment in Army, Navy and Air force, it is necessary to constitute a scheme. Modern training under the supervision of the Defence Force is necessary for the recruits in Army, Navy and Air force. At the very same the service of the candidates enrolled in the scheme is utilized for the Defence force. It is necessary to protect the interest of the candidates enrolled named Agniveer in the scheme Agnipath. Hence statutory recognition is necessary for the scheme.

The scheme announced by the Government is causing unrest among the Indian youth. It is not just and proper to recruit and enroll candidate on contract basis in the Defence services. Hence modification of the scheme is also required. In the present situation statutory recognition and modification is necessary for the scheme.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

N.K. PREMACHANDRAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of Units of Agnipath in Indian Army, Navy and Air force. Clause 8 provides for pay and allowances of Agniveer. Clause 9 provides for disability and death compensation of Agniveer. Clause 10 provides for benefits and family benefits of Agniveer. Clause 12 provides for retirement benefits of Agniveer. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore per annum is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees ten thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government and State Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XI

BILL NO. 209 OF 2019

A Bill to provide for the rehabilitation and welfare measures to be undertaken by the Union and the State Governments for the street children who subsist on rag picking, begging, shoe polishing, working as potters or performing acrobatics at road crossings or public places and for their rehabilitation by taking their custody and providing them due care, protection, education, vocational training and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Street Children (Rehabilitation and Welfare) Act, 2019.

Short title
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the State Government, and in other cases, the Central Government;

(b) "child" means a boy or girl who is below the age of eighteen years;

(c) "children home" means an institution or home established or certified as such by the appropriate Government for the purposes of this Act;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "street child" means a child who is an orphan or has been abandoned or is a vagabond and who subsists on income earned by collecting and selling of waste materials from garbage dumps or streets or other public places or begging or working as a potter or vendor or shoe polisher and who lives on pavement or in a hutment or slum or railway platform or bus stop or such other place.

National
Policy for
street children.

3. (1) The Central Government shall, as soon as may be, formulate a National Policy for the rehabilitation and welfare of street children so as to secure them all rights of childhood and make them responsible citizens.

(2) Without prejudice to the generality of the foregoing provision, the National Policy referred to in sub-section (1) may include:—

(a) taking custody of every street child and provide him boarding, lodging and other facilities in children home;

(b) taking of such measures, as may be necessary, to discourage street children from returning to their earlier means of subsistence;

(c) provision of free educational facilities, vocational training and facilities for developing moral values and other skills among street children to make them self-dependent;

(d) provision of employment opportunities for street children after they complete their education and vocational training;

(e) provision of annual grants-in-aid to such orphanages and non-governmental organizations as are working for the welfare of street children; and

(f) such other measures as may be deemed necessary for carrying out the purposes of this Act.

Appropriate
Government
to implement
the National
Policy.

4. It shall be the duty of the appropriate Government to implement the National Policy formulated under section 3.

Constitution
of Street
Children
Welfare Fund.

5. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute a Fund to be known as the Street Children Welfare Fund with an initial corpus of rupees two thousand crore to be provided by the Central Government by due appropriation made by Parliament by law in this behalf.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the street children in such manner as may be prescribed.

Establishment
of children
homes.

6. (1) The appropriate Government shall establish or cause to be established such number of children homes as it may deem necessary for the purposes of this Act.

(2) The children homes established under sub-section (1) shall provide free boarding and lodging and such other facilities to the street children as may be prescribed.

7. The appropriate Government shall—

- (a) maintain a district-wise register of all street children;
- (b) open sufficient number of schools and colleges for imparting education to the street children and provide books, writing materials, clothes, uniforms and other relevant articles free of cost;
- (c) provide healthcare facilities free of cost to all street children;
- (d) take custody of every street child in such manner as may be prescribed;
- (e) send every street child taken into custody under this Act to a children home or to a non-governmental organisation certified by the appropriate Government in such manner as may be prescribed;
- (f) provide vocational training and gainful employment to street children; and
- (g) take such other measures as may be necessary for the rehabilitation and welfare of street children.

Welfare measures for the street children.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Central Government to provide adequate funds.

45 of 1860.

9. Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force, whoever—

Punishment.

- (a) forces any child covered under this Act to beg, commit petty crime or rag picking or any act which is injurious to the health of such child shall be punished with imprisonment for a term which shall not be less than four years but may extend to seven years and also with which may extend to rupees five lakh;
- (b) sexually exploits any child covered under this Act shall be punished with imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than rupees five lakh but may extend to rupees ten lakh; and
- (c) having already been convicted of an offence under this Act or an abetment of such offence is again convicted of any such offence or abetment shall be punished with life imprisonment and also with fine which may extend to rupees ten lakh.

10. The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Act not in derogation of any other law.

12. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

It has rightly been said that children are the future of any country because they grow as the citizens of that country. It is, therefore, necessary to bring them up in a good atmosphere by providing them all the necessities of life, good education and a joyful childhood. It is equally important to note that most of the parents try their best to give their children good upbringing and provide them best facilities. But in our country, unfortunately, there are millions of orphans, who are mostly homeless, abandoned, runaway, vagabond and destitute who are generally known as street children and can be seen in most of the urban areas loitering, collecting waste papers, plastic and metal scraps from the dumping pits and public places for their subsistence. They can also be seen begging at the road crossings, near the religious places, markets, bus stops and railway stations. Many a times they indulge in petty crimes like stealings, pick-pocketing and snatching for their survival. They are exploited by anti-social elements and even by the police. Such children become hardened criminals when they grow up. The girl child in this category is often sexually exploited and ultimately pushed into flesh trade. They fall prey to all kinds of dreaded diseases. Education is a day dream for them and even two square meals a day is luxury for them. These children are thus most vulnerable to abuses, exploitation and depravity.

Ours is a welfare State and thus it is duty of the State to ensure that these hapless, homeless orphan and street children are protected against neglect, cruelty and exploitation and they must enjoy childhood by bringing them into the national mainstream by giving every opportunity and protection they deserve in order to fully develop their potentials. They should be provided with good education, nutrition, healthcare and good atmosphere which will enable them to grow as responsible citizens. The Government have to establish children homes with all facilities for the street children. The NGOs too have to be encouraged for the upliftment of orphans and street children. The provisions of the Bill will go a long way in creating a better society and a strong nation.

Hence, this Bill.

NEW DELHI;
August 7, 2019.

RAKESH SINGH

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of a Street Children Welfare Fund with an initial corpus of rupees two thousand crore to be provided by the Central Government. Clause 6 provides for establishment of children homes for street children. Clause 7 provides for welfare measures to be undertaken by the appropriate Government for the street children. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act. Although, the expenditure relating to States shall be borne out of the Consolidated Funds of the respective States, the Central Government shall bear the expenditure in providing assistance to the State Governments for carrying out the purposes of the Act and for implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

XII

BILL NO. 277 OF 2019

A Bill to abolish the practice of child labour in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Labour (Abolition) Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "child" means a boy or a girl who has not attained the age of eighteen years;

(c) "establishment" includes a household, shop, commercial establishment, workshop, farm or any residential place where commercial activity is involved, residential hotel, restaurant, eating-house, theatre or other place of public amusement or entertainment; and

(d) "prescribed" means prescribed by rules made under this Act.

Abolition of child labour.

3. Child labour, in any form, in any establishment in the country, is hereby abolished.

Punishment.

4. Whoever employs a child in any establishment, shall be punished with simple imprisonment for a term which may extend upto three years and with fine which may extend upto rupees one lakh.

Punishment to parents or lawful guardians for coercion.

5. Any parent or a lawful guardian of a child, who coerces his child into employment, shall be punished with simple imprisonment for a term which may extend upto one year and with fine which may extend upto rupees fifty thousand.

Closure of an establishment, engaging child labour.

6. (1) Any establishment employing children shall remove such children from employment within a period of six months from the date of coming into force of this Act.

(2) If, after the expiry of the period specified in sub-section (1), any establishment fails to remove children employed in that establishment, the appropriate Government shall order closure of such establishment.

Establishment of children homes and other welfare measures for rehabilitation of children.

7. (1) The appropriate Government shall establish at least one children home in every district for rehabilitation of children found employed in any establishment or collecting rags and waste or begging.

(2) The appropriate Government shall provide a monthly stipend of rupees five hundred per month to the parents of the children placed in the rehabilitation centres.

(3) The children homes established under sub-section (1) shall provide free boarding and lodging, education, maintenance and such other facilities to the children, as may be prescribed, till they attain the age of eighteen years.

(4) Any child who is found employed in any establishment or collecting rags and waste or begging shall immediately be taken into custody by the police and sent to the nearest children home.

(5) The appropriate Government shall provide grants to the recognised non-Governmental organisations working in the field of abolition of practice of child labour for setting up of the rehabilitation centre:

Provided that in cases of children affected by physical or mental disability, the specialized rehabilitation centres shall be set up under the supervision of the appropriate Government.

Act to have overriding effect.

8. The provisions of this Act or rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Child Labour (Prohibition and Regulation) Act, 1986 or any other law for the time being in force or in any instrument having effect of law by virtue of any law other than this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is sadly the home to the largest number of child labour in the world. An estimated one per cent. workforce employed in the hazardous industries such as manufacturing crackers, diamond polishing, glass, brassware, carpet weaving, bangle making, domestic help, mining, brick kilns, silk manufacturing, agricultural labour and stone quarries, are comprised of children as workers ranging in the group of 12-18. All this is because children are the source of cheap labour as they can be paid less wages or can be abused without provoking retaliation.

Poverty is cited as a major cause of child labour, but it is not the only determinant. Inadequate number of schools or even the expense of providing education leave some of the children with practically no option but to work. The attitude of parents also contribute to child labour. Compulsory elementary education may help ameliorate this attitude. The problem of child labour cannot be eliminated in one stroke. Many countries have enacted laws providing for ban on buying products of industries where children are employed.

Only multi-dimensional strategies including compulsory elementary education, eradication of poverty, eradicating parental illiteracy, making child labour illegal will help in achieving this objective. Stringent legal provisions, severe punishment for violation of laws, rehabilitation of children already engaged in work have to go along with abolition of practice of child labour in the country. Therefore, it is high time that a stringent law for abolition of practice of child labour is enacted.

Hence, this Bill.

NEW DELHI;
November 6, 2019.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the appropriate Government shall establish at least one children home in every district for the rehabilitation of children found employed in any establishment or collecting rags and waste or begging. It also provides for payment of monthly stipend of rupees five hundred to the parents of children placed in children homes. The expenditure relating the States shall be borne out of the Consolidated Funds of the respective State Governments. The expenditure relating to Union territory shall be incurred from the Consolidated Fund of India. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees fifty crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XIII

BILL NO. 343 OF 2019

A Bill to provide for faster tracking and reuniting the children, who go missing due to abduction, kidnapping, luring or runaway from their homes; establishment of Special Cells in Police establishments with specifically trained personnel to trace missing children; immediate registration of F.I.R. for flashing photograph and details of missing children in television, newspapers and social media so as to put in place proper mechanism to trace missing children and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Missing Children (Faster Tracking and Reuniting) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "appropriate Government" means, in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "child" means any human being who is below the age of eighteen years; and

(c) "prescribed" means prescribed by rules made under this Act.

Appropriate Government to constitute Special Cells for missing children.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall constitute Special Cell in the Ministry or Department, as the case may be, dealing with children to exclusively deal with missing children and put in place a proper mechanism to trace missing children.

(2) The appropriate Government shall also set up Special Cells, as per the need, in its Police establishment with specifically trained personnel from the National Police Academy or any such other organisation specialised in imparting training to personnel of Police or Para military forces, as the case may be, for tracking the missing children.

Special provisions for missing children.

4. (1) Notwithstanding anything contained in any other law for the time being in force,—

(a) it shall be mandatory for Station House Officer of every police station to register First Information Report (F.I.R.) immediately, on being informed, either in writing or verbally by anyone, regarding a missing child and the F.I.R. shall be specific with missing and abducted or kidnapped child and shall pass on the F.I.R. to Special Cells constituted under section 3 in such manner as may be prescribed.

(b) the Special Cell of Police, shall, at the earliest opportunity flash the photograph and other details of the missing child in all the Television networks and shall also publish in the newspapers and social media in such manner and with such details, as may be prescribed;

(c) the Special Cell of Police shall start its probe with immediate effect to trace the missing child so as to reunite him with his near and dear ones; and

(d) non-registration or any wilful delay in registration of F.I.R. regarding a missing child shall be a criminal offence under this Act and the in-charge of the Police Station shall be deemed to have committed the offence.

(2) The National Police Academy or any other organisation referred to in sub-section (2) of section 3 shall formulate training module for the Police personnel meant for Special Cells and if required the assistance of academic Centres of Universities or Institutes shall be taken for the purpose of tracking of missing children.

(3) The Special Cell while adopting its methodology of investigation in cases of missing children may also identify begging spots, take mobile phone numbers of beggars and put them on surveillance particularly in areas where large number of children have gone missing, identify the children who are begging and investigate as to whether they are controlled by any group or leader and whether they resemble missing children, probe the known clinics where human organs are transplanted, in such manner as may be prescribed.

(4) The missing children rescued by the Special Cell of the Police shall be reunited with their parents or guardians, as the case may be, at the earliest opportunity.

Power to search etc.

5. Any Police officer of the Special Cell who is investigating case or cases of missing children shall have the powers, with the assistance, if any, as he may deem fit, to inspect any place, at any reasonable time, which he considers necessary for carrying out the purposes of this Act.

Penalty.

6. The offence committed under clause (d) of sub-section (1) of this Act shall be punishable with imprisonment for a term which may extend upto one year and also with fine which may extend upto one lakh rupees.

7. The appropriate Government shall formulate rehabilitation and such other welfare measures for the children covered under this Act who could not be reunited with their families or guardians.

Welfare measures.

8. The Central Government shall after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Governments, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

10. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Act not in derogation of any other law.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is very unfortunate and sorry state of affairs that a very large number of children go missing every day in every nook and corner of the country and it is more horrifying that the National Capital tops the list where twenty children go missing every day and most of them remain untraceable forcing their parents for endless wait for their return and reunion with them. It is more shocking that most of these missing children belong to poor families and when their parents go to Police Station to lodge an F.I.R. they are welcomed by indifferent and heartless Police personnel who not only refuse to lodge F.I.R. but also insult the hapless parents and shoo them away instead of making efforts to trace the missing child. This negligent nonchalance is one major reason for the increasing number of missing children across the country. In fact, in the present Police scheme of things, rescue of the missing child is of lesser moment.

The very large number of missing children also indicate presence of trafficking mafias in the country who lure and abduct, the children and force them into begging, stealing, pick-pocketing and other crimes after making them drug addicts. The girl child is pushed into prostitution. It is also apprehended that the missing children might being used in illegal organ transplantations.

The Supreme Court of India has taken a serious view over the missing children and has also given directive to the Government. Though of late Delhi Police have made move in this regard and Ministry of Women and Child Development has launched a web portal but it is not sufficient. The Bill propose to set up special cells in the Ministry or Department of the Government and in the Police establishment exclusively to deal with missing children. The Police personnel must get appropriate training for this purpose. Non filing of F.I.R. is proposed to be made a criminal offence with penal provision. The task of rescue is very critical for the missing children so that they are reunited with their near and dear ones.

Hence, this Bill.

NEW DELHI;
November 6, 2019.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of special cells by appropriate Governments for missing children. Clause 7 of the Bill provides for the welfare measures for the children covered under this Bill. Clause 8 makes it mandatory for the Central Government to provide funds to the State Governments for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XIV

BILL NO. 331 OF 2019

A Bill to provide for establishment of a Board for determination of prices of basic food items and services commonly used by public in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Basic Food Items Price Fixation Board Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means the Basic Food Items Price Fixation Board constituted under section 4;

(b) "basic food items" means any grocery item including milk, bread, cooking oils, cosmetic items, cloths, vegetables, fruits, finished goods or services which are commonly used by public and such other items as the Central Government may, by notification, in this regard, notify;

(c) "prescribed" means prescribed by the rules made under this Act; and

(d) words and expressions used in this Act but not defined and defined in the Consumer Protection Act, 1986, shall have the meaning respectively assigned to them in that Act. 68 of 1986.

Fixation of
Prices of basic
food items.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall fix the prices of all the basic food items and services through the Board established under section 4.

Constitution
of the Basic
Food Items
Price Fixation
Board.

4. (1) The Central Government shall, by notification in the Official Gazette, establish, for achieving the objectives mentioned in section 3, a Board to be known as the Basic Food Items Price Fixation Board.

(2) The Board shall consist of a chairperson and such number of members as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and members shall be such as may be prescribed.

(4) The Board shall have its office in the capital city of each State and Union territory.

(5) The Board shall have such number of officers and employees as may be necessary for performing its functions.

Fixation of
prices by the
Board.

5. (1) The Board shall fix the prices of all the basic food items and services in the country.

(2) The Board shall, before fixing the prices, take into account the following factors besides other things:—

(i) quality of products;

(ii) demand and supply of products;

(iii) cost of production;

(iv) loss during production;

(v) price of accessories, which directly or indirectly, affect the price factor of the products and services; and

(vi) any other relevant factor as may be deemed necessary.

(3) The Board may fix different prices for different products and services in different States and in accordance with quality of the product and input cost and other relevant factors.

(4) The Board shall, from time to time, after taking into relevant factors revise the prices fixed for different products and services.

Publicity of
prices fixed by
the Board.

6. Board shall cause to publish the prices fixed for various basic food items and services in newspaper, and give wide publicity through radio, television, cable network.

Penalty.

7. If any person contravenes any decision of the Board, he shall be punished with three years simple imprisonment and a fine which may extend upto rupees fifty thousand.

Penalty for
contravention
by company.

8. (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for

the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has/taken place with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the, contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section:—

(i) "company" means any body corporate and includes a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not in derogation of any other law for the time being in force.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Many initiatives have been taken with the sole objective of protecting the rights of the consumers. These legislations would help consumer fight for his rights and are helpful in checking the malpractices. However, there is hardly any check on the prices of basic food items. It has been seen that after one percent increase in the taxation or even for no reason, many unscrupulous manufacturers would enhance price of their products, sometimes, manifold. There is hardly any relationship between the quality and quantity of their product on the one hand and the price, on the other.

In order to fix the prices of basic food items and services, it has been proposed that a Board shall be set up with its offices in every State and Union territories. The Board, apart from determining the price of products, shall also act as a check on the agencies who increase the prices at their own will. Since the functions and policies of the Board are regulated by the Central Government, the prices of the products will be uniform throughout the country to some extent.

Hence, this Bill.

NEW DELHI;
November 6, 2019.

MIDHUN REDDY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of a Board for the price fixation of the basic food items and services. Clause 6 provides that the Board shall give wide publicity to prices fixed for basic food items and services through newspapers, radio, televisions and cable network. The Board shall have its offices in the capital city of each State and Union territory. The Bill, therefore, if enacted, would involve expenditure from the consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of Legislative power is of a normal character.

XV

BILL NO. 14 OF 2020

A Bill to provide a practical framework for the realisation of the right to water, enable participation of citizens in the management of water resources and to ensure sustainable use of ecological resources and for matters connected therewith or incidental thereto.

WHEREAS water is essential for life and its sustainable use is critical for the survival of future generations;

AND WHEREAS article 39 of the Constitution requires the State to direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

AND WHEREAS the Hon'ble Supreme Court of India has recognised that the right to life enshrined in article 21 of the Constitution includes the right to clean drinking water;

AND WHEREAS the General Comment No. 15 of the United Nations Committee on Economic, Social and Cultural Rights has recognised the Right to Water as a part of right to an adequate standard of living under Article 11 and right to enjoyment of the highest standard of physical and mental health under Article 12 of the International Covenant on Economic, Social and Cultural Rights;

AND WHEREAS the United Nations General Assembly Resolution 53/292 has recognised the right of every human being to have access to sufficient water for personal and domestic uses which must be safe, acceptable and affordable, and physically accessible, and has declared that clean drinking water is essential to the full enjoyment of life and all other human rights;

AND WHEREAS article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination against Women requires State parties to ensure to women the right to enjoy adequate living conditions, particularly in relation to water supply;

AND WHEREAS article 28(2)(a) of the Convention on the Rights of Persons with Disabilities requires that State parties take appropriate steps to safeguard and promote the realization and non-discriminatory enjoyment of the right of persons with disabilities to social protection, including measures to ensure equal access by persons with disabilities to clean water services;

AND WHEREAS article 24(2)(c) of the United Nations Convention on the Rights of the Child recognises the right of the child to the enjoyment of the highest attainable standard of health, including the obligation of state parties to provide for adequate clean drinking water;

AND WHEREAS the Dublin Statement on Water and Sustainable Development adopted at the International Conference on Water and Environment recognises that water development and management should be based on a participatory approach involving users, planners and policy-makers at all levels; that women play a central role in the provision, management and safeguarding of water; and that water is a public good and has a social and economic value in all its competing uses;

AND WHEREAS the 2030 Agenda for Sustainable Development adopted by the United Nations General Assembly in 2015 includes achieving universal and equitable access to safe and affordable drinking water for all, and supporting and strengthening the participation of local communities in improving water and sanitation management as its goals;

AND WHEREAS article 253 of the Constitution empowers the Parliament to make any law for implementing any treaty, agreement or convention with other countries or any decision made at any international conference, association or other body;

AND WHEREAS the climate crisis requires urgent steps to protect, preserve and replenish water sources;

AND WHEREAS each year, in addition to significant economic losses equivalent to more than six per cent of India's GDP, nearly thirty-eight million Indians suffer from water-borne diseases while some six lakh children under the age of five die due to deficient water supply and sanitation;

AND WHEREAS a report of Composite Water Management Index indicates that by 2030, India's water demand is projected to be twice the available supply, implying severe water scarcity for hundreds of millions of people and an eventual six per cent loss in the country's GDP;

AND WHEREAS Babasaheb Ambedkar undertook a Satyagraha to ensure the equal right to water for all water users, regardless of caste;

AND WHEREAS it is recognised that there is significant disparity in the quantity and quality of water made available on the basis of the identity of water users;

NOW THEREFORE it is essential to provide for a participatory framework for the realization of a right to water, to ensure water quality control and remove disparities in supply of water.

BE it enacted by Parliament in the Seventy-first year of the republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Right to Water Act, 2020.

(2) It extends to the whole of India.

(3) It shall come into force on such date, not being later than thirty days from the date the President gives his assent to this Act, as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the State Governments may notify a separate geographical demarcation for the implementation of this Act and may consider the following factors in such notification, namely:

(a) that the number of water users in all demarcations is approximately uniform and not disparate;

(b) that the number of water users in each demarcation is such that it ensures each water users' right to participate fully in the Framework for Public Participation;

(c) that due consideration is given to the existing special arrangements under the Constitution including Schedule V and VI; and

(d) that due consideration is given to inaccessible geographical locations or areas that face water scarcity or areas that are found to be vulnerable to natural or artificial disasters.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "equitable access to water" means access to clean water to all persons without discrimination on the basis of any identity including gender or caste or location or religion or legal status or absence of documentation or sex or economic class and includes special provisions for vulnerable communities including women, children, senior citizens, linguistic or religious minorities, persons with disabilities, scheduled castes or scheduled tribes;

(c) "Framework for Public Participation" means the framework of an independent administrative process to ensure participation of all water users in relation to any matter pertaining to the supply, use, management, conservation and preservation of water and water sources;

(d) "localized" or "local" shall refer to the lowest level of representative Government established by or under the Constitution of India and includes the Panchayats under Part IX of the Constitution;

(e) "pattern or practice" shall mean any empirical finding of disparities in water supply or discrimination in water supply and includes any act of commission or omission by the State that may result in a violation of the provisions of this Act;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "water for sustenance of human life" includes the reasonable minimum use of water for personal and domestic use, including for sanitation and hygiene, by any person or household but does not include the use of water for any commercial or industrial purpose; and

(h) "water security" means availability of sufficient clean water to meet the domestic demand as well as access, at the individual level, to adequate quantities of clean water.

CHAPTER II

RIGHTS AND DUTIES IN RELATION TO WATER

3. (1) Water shall be treated as a common resource of all persons residing in India and shall not be subject to any ownership, including that of the State.

Water as a common resource.

(2) The State shall hold water in public trust for the people as a trustee for the benefit of all persons.

(3) The use of water for the sustenance of human life shall take precedence over all other uses of water.

(4) Any policy or pattern or practice that is found to be inconsistent with this section shall be unenforceable and void *ab initio*:

Provided that the State, as Trustee, shall be prohibited from delegating any of its functions under this Act to any entity or organisation that is not a Public Authority within the definition of the Right to Information Act, 2005.

4. (1) The Central Government shall,—

Duties of the Central Government.

(a) ensure that adequate financial resources and technical assistance is made available to each State and local Government to discharge their duties under this Act;

(b) make annual investments in research and development of technologies related to water and make such technologies available to the State and local government;

(c) on an annual basis, make publicly available all data and information pertaining to water, its management, conservation and protection;

(d) annually publish a Water Security Plan indicating the key threats and risks to India's water security and the steps that are required to address them;

(e) by order published in the Official Gazette, incorporate any principles or practices that are part of international instruments that India is party to, in the management of water resources;

(f) undertake measures to anticipate, prevent, and effectively counter droughts or floods in any part of India;

(g) sustain and protect any ecosystems that are dependent on water;

(h) establish an independent expert panel to recommend minimum national standards on water quality that shall be binding across the territory of India; and

(i) establish an independent expert panel to recommend minimum national water footprint standards for every product or goods or service.

Explanation.—For the purpose of this section "independent expert panel" means a panel of two or more persons who have relevant expertise in any scientific or academic field pertaining to water quality or water use.

5. The State Government shall, in relation to water, ensure—

Duties of the State Government.

(a) protection, preservation and conservation of all water sources in a manner that allows for use by future generations;

(b) the notification of Framework for Public Participation within thirty days coming into force of this Act;

(c) that the management and supply of water is localized subject to considerations of equitable access to water;

- (d) adequate protection of water sources, conservation of water and rational water use;
- (e) implementation of a differential pricing policy for water use;
- (f) non-discrimination in access to water, including its supply, maintenance and quality;
- (g) that it does not participate in or permit any pattern or practice;
- (h) that in relation to infrastructure or irrigation projects, it shall execute the project in a manner that causes the least ecological harm and is consistent with the principles of sustainable development;
- (i) that practical steps are taken to incentivize sustainable land use and agricultural practices;
- (j) maximization of wastewater treatment and its productive use;
- (k) conservation and protection of groundwater;
- (l) provision of intellectual, administrative and implementational leadership in relation to water management and conservation;
- (m) the undertaking of mass awareness campaigns and capacity building programs;
- (n) periodic training and upskilling of all personnel involved in the implementation of this Act;
- (o) the periodic publication of guidelines and field manuals for water management under the Framework for Public Participation, documenting best practices, information access mechanisms, dedicated helplines; and
- (p) the adequate provision of funds to water supply administrators to rehabilitate old supply systems to prevent loss to exchequer due to non-revenue water.

Explanation.—For the purpose of this section,—

- (a) "conservation and protection of groundwater" means practices to prevent irrational and discriminatory usage of groundwater, its recharging by methods of water and rainwater harvesting, and protecting any such underground resource from pollutants;
- (b) "Principles of sustainable development" means the principles of sustainable development as defined by the World Commission on Environment and Development or any other international convention or instrument for the time being in force; and
- (c) "maximization of wastewater treatment and its productive use" includes the practice of drainage and collection of all wastewater in a scientific and systematic manner, its treatment for removal of all types of effluents, and provision for reuse of such treated water.

Rights of
water users.

6. (1) Every water user shall have the right to—

- (a) free and clean water for sustenance of human life;
- (b) equitable and non-discriminatory access to water, regardless of age or gender or religion or caste or tribal identity or place of residence or ability to pay or legal status;
- (c) meaningful and comprehensive participation under the Framework for Public Participation;
- (d) access complete information in relation to the supply, management, control and use of water; and
- (e) the reasonable, non-industrial use of water for livelihood, when such livelihood refers to self-employment, single-worker or domestic enterprises.

(2) For the purpose of sub-section (1), the appropriate Government shall immediately take steps to remedy,—

(a) the burden faced by women in relation to water scarcity and the historic neglect of their health, hygiene and sanitation needs in public policy;

(b) the historical and continuing denial of access to water based on untouchability and caste;

(c) the discriminatory patterns or practices that prioritize access to water for industrial or commercial purposes over water for sustenance of human life;

(d) the discriminatory patterns or practices that reinforce disparities in quality and quantity of water supplied on the basis of geographical location or ability to pay; and

(e) the widespread privatisation of not only water sources but supply, management and control of water.

Explanation.—For the purpose of this section "privatisation" means vesting of effective control or management of water or water sources to any entity that is not a public authority.

7. It shall be the responsibility of the appropriate Government to enforce the rights of children and future generations in relation to water, including—

Rights of
Children and
Future
Generations.

(a) the right to hygiene and sanitation, of which water is an essential feature;

(b) the right to clean, free water for human sustenance;

(c) the right to replenished, conserved and protected water sources; and

(d) the right to periodically improving standards of water quality.

8. Each person shall have the right to water security including right—

Right to water
security.

(a) to know about the availability of water and presence of water sources;

(b) to know about the estimated demand of water at the localized level;

(c) against practices that are likely to induce flooding or drought conditions; and

(d) water for human sustenance even in situations of flooding or drought.

CHAPTER III

IMPLEMENTATION AND ENFORCEMENT OF RIGHT TO WATER

9. (1) Each State Government shall, taking into consideration the State's specific circumstances, develop and notify a Framework for Public Participation to establish,—

Framework
for Public
Participation.

(a) at the local level, an independent and permanent administrative process ensuring the participation of local water users in matters relating to the conservation or preservation or management of water;

(b) at the State level, an independent and permanent administrative process that provides water users with the right to,—

(i) seek information on any matter pertaining to the management of water in the State;

(ii) seek enforcement of any right in relation to water, that is enumerated in this Act or any law for the time being in force; and

(iii) seek enforcement of any duty that the State Government has not discharged.

(2) The Framework for Public Participation notified under sub-section (1) shall adhere to the following minimum standards, namely:—

(a) principles of non-arbitrariness and non-discrimination;

(b) where the public participation is at the localized level, different processes may be adopted for different types of habitation (metropolitan or urban or rural or tribal) for the purposes of enabling better participation;

(c) the processes notified are accessible and do not impose conditions, including the collection of fees, that may prevent full participation by all persons;

(d) inclusion of the right of any section of water users to recommend water works or raise an issue or call for a meeting or seek information from any public authority;

(e) all processes are independent of administrative or monetary control of the State Government and shall be implemented only by persons with requisite specialisation and contribution in the field of water conservation and protection;

(f) special processes are established to ensure participation of sectoral stakeholders including small business, environmental groups, research institutions, agriculturists and those involved in the areas of public health and environment;

(g) special processes are established to ensure the full and meaningful participation of historically marginalized groups, including women, scheduled castes and scheduled tribes, linguistic or religious minorities, persons with disabilities and elderly;

(h) including of monthly public reporting of data pertaining to sectoral and geographical water consumption patterns, the expenditure on works undertaken in relation to water and specific actions undertaken by the State Government to discharge its duties under the Act; and

(i) enlisting of practical steps being taken to realize equitable and universal access to water, including public consultations on decisions pertaining to pricing and supply of water.

(3) In addition to the standards enumerated under sub-section (2), the Framework for Public Participation shall include,—

(a) an independent and permanent mechanism, at the local level, for hearing and adjudicating complaints relating to violation of any rights or non-fulfilment of obligations or duties imposed under this Act, except those provided under clause (b) of sub-section (1) of section 9 and for making remedial orders as necessary for the enforcement of the provisions of the Act.

(b) an independent and permanent mechanism, at the State level, for hearing and adjudicating complaints relating to violation of any rights or non-fulfilment of obligations provided under clause (b) of sub-section (1) of section 9, for hearing and adjudicating appeals arising out of orders passed by the mechanism at local level established under clause (a) of sub-section (3) of section 9, and for making remedial orders as necessary for the enforcement of the provisions of the Act.

(4) The mechanism provided under clause (a) and (b) of sub-section (3) above shall grant to the adjudicating authority, the same powers as are vested in a civil court, under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters namely:—

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) requiring the discovery and production of documents;

(iii) receiving evidence on affidavits;

1 of 1872.

(iv) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 requisitioning any public record or document or a copy of such record or document from any office;

(v) issuing commissions for the examination of witnesses or documents;

(vi) dismissing a representation for default or deciding it *ex-parte*;

(vii) setting aside any order of dismissal of any representation for default or any order passed by it *ex parte*; and

(viii) any other matter which may be prescribed.

45 of 1860.
2 of 1974.

(5) Every proceeding under mechanism provided under clause (a) and (b) of sub-section (3) shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 and shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973, and any order made under the mechanism may be enforced in the same manner as if it were a decree made by a court in a suit pending therein.

(6) The mechanism provided in compliance with sub-section (3) shall,—

(a) provide such number of judicial and technical members as deemed necessary, where a person shall be qualified for appointment as a technical member only if he has special knowledge and experience in water governance, environmental governance or administration, social service, or such other areas of expertise pertaining to water and environment;

(b) provide the procedure for filing of complaints and appeals, conduct of proceedings, and time-limit for disposal, which shall not be any later than three months from the date of filing of the complaint.

10. (1) The appropriate Government shall ensure that any pricing or regulation of water use in the territory of India are in consonance with the right to free, clean water for sustenance of human life to all users.

Differential
Pricing and
Principles of
Regulation.

(2) The pricing of water for users shall adhere to the following principles, namely:—

(a) water for sustenance of human life shall be available to all persons regardless of their ability to pay;

(b) pricing for water consumed for industrial or commercial purposes shall not be less than the life-cycle cost of the quantity of water consumed:

Provided that where there is reason to believe that water consumption for any industrial or commercial purpose is being carried out in an unsustainable manner the pricing shall be no less than twice the lifecycle cost of the water consumed;

(c) pricing of water supply shall incentivize conservation and reuse of water over unsustainable industrial and commercial purposes; and

(d) pricing and incentives for agriculture and individual livelihoods may incorporate such subsidies as may be necessary to shift towards efficient and sustainable water use practices.

(3) The pricing policy for water use shall ensure incentives to water users in order to reduce their overall water consumption.

(4) In relation to supply, water for human sustenance shall take precedence over all other uses:

Provided that a minimum notified volume of water shall be guaranteed to all households for free:

Provided further that, in relation to domestic use, progressive pricing shall be implemented, wherein water prices shall progressively increase with every increase in consumption above the notified volume of water:

Provided also that food security and sustainable livelihood generation shall take precedence over all uses other than water for human sustenance.

Explanation.—For the purpose of this section,—

(a) "individual livelihoods" shall mean activities carried out by individual persons on a self-employment basis;

(b) "notified volume of water" shall mean the minimum volume of water necessary to meet the needs for sustenance of human life notified by the State Government to be guaranteed to all households or persons for consumption free of cost; and

(c) "unsustainable" shall mean water consumption in a manner so as to accelerate the depletion of water resources, or their pollution in any manner, jeopardising the right of individuals and communities to access clean and safe water;

Support
Networks.

11. (1) The appropriate Government shall establish support network, comprising of empanelled experts, research centres and non-Governmental Organisations, who may be consulted by any section of water users to obtain any information or technical assistance on issues such as equitable distribution, impact of water quality on different uses and users, suitable infrastructure for water supply, sustainable water use practices or such other matters.

(2) Entities and individuals in the supports network may conduct capacity building programs focussed on water resource management, providing training in operation and maintenance responsibility to the community.

CHAPTER IV

NATIONAL WATER DISPUTES AUTHORITY

Establishment
of National
Water
Disputes
Authority.

12. (1) The Central Government shall, by notification in the Official Gazette, establish a National Water Disputes Authority (hereinafter in this Chapter referred to be as the National Authority) or, if it deems necessary, any number of benches of the National Water Disputes Authority located in different parts of the territory of India for carrying out the purposes of this Act.

(2) The National Authority shall consists of a Chairperson and such number of judicial and technical members, as deemed necessary for carrying out the purposes of this Act.

(3) The Chairperson and members of the National Authority shall be appointed by the Central Government only after the concurrence of—

(a) two-thirds of all members of the Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change; and

(b) the Chief Justice of India.

(4) The eligibility criteria of the members and Chairpersons of the National Authority shall be as determined by the Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change.

(5) The salary, allowances and other terms and conditions of service including pension, gratuity and other retirement benefits of the Chairperson and members of the National Authority shall be such as may be prescribed:

Provided, the salary, allowances and other terms and conditions of service of the Chairperson or other members of the National Authority shall not be less than that of a member of the Election Commission of India:

Provided further that neither the salary and allowances nor the other terms and conditions of service of the Chairperson or other members of the National Authority shall be varied to their disadvantage after appointment.

13. (1) The National Authority shall exercise and discharge such powers and functions as are, or may be, conferred on it by or under this Act or any other law for the time being in force.

Powers and functions of the National Water Disputes Authority.

(2) Notwithstanding the generality of the provision contained in sub-section (1),—

(a) every appeal against decisions taken by the State-level administrative mechanism, under the Framework for Public Participation, shall lie with the National Authority;

(b) every dispute arising between Central Government and one or more State Governments, and those arising between State Governments, shall be heard by the National Authority.

(3) The National Authority shall have the power to make such remedial orders as necessary for the enforcement of the provisions of this Act.

(4) The general superintendence, direction and management of the affairs of the National Authority shall vest in the Chairperson who shall be assisted by the members and may exercise all such powers and do all such acts and things which may be exercised or done by the Chairperson autonomously without being subjected to directions by any other authority under this Act.

(5) The Central Government shall, by rules, provide for the procedure for filing of appeals, conduct of proceedings, and time limit for resolution of disputes and disposal of appeals in such manner as may be prescribed.

14. The Chairperson and every other member of the National Authority shall hold office for a term of five years from the date that they enter office:

Tenure of office of Chairperson and other Members.

Provided that no person shall hold office as the Chairperson after attaining the age of sixty years:

Provided further that no person shall hold office as member after attaining the age of sixty years.

15. If, for reason other than temporary absence, any vacancy occurs in the office of the Chairperson or any other member of the National Authority, then the Central Government may fill the vacancy in accordance with the provisions of this Act

Filling up of vacancies.

16. (1) The Chairperson or any other member of the National Authority may, by notice in writing addressed to the President of India, resign from his office.

Resignation and removal.

(2) The Chairperson or any other member of the National Authority shall not be removed from his office except by a finding of proved misbehaviour or incapacity after an inquiry commissioned by the Parliamentary Standing Committee on Environment & Forests, in which the Chairperson or any other member concerned has been informed of the charges against them and has been given a reasonable opportunity of being heard in respect of these charges.

(3) The Parliamentary Standing Committee on Science and Technology, Environment, Forest and Climate Change, may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Chairperson or any other member.

17. (1) The Central Government shall provide the National Authority with such officers and employees as it may think fit.

Staff of the National Water Disputes Authority.

(2) The officers and employees of the National Authority shall discharge their functions under general superintendence of the Chairperson.

(3) The salaries and allowances and other conditions of service of the officers and employees of the National Authority shall be such as may be prescribed.

National
Water
Disputes
Authority to
have the
powers of the
Civil Court.

18. (1) The National Authority shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act, and of any rules, the National Authority shall have powers to regulate their own procedure including the places at which they shall have their sittings. 5 of 1908.

(2) The National Authority shall have, for the purposes of discharging their functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:— 5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence or affidavits;

(d) issuing commissions for the examination of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an application for default or deciding it *ex parte*;

(g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*; and

(h) any other matter which may be prescribed.

(3) Every proceeding before the National Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code, and the National Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. 45 of 1860.
2 of 1974.

CHAPTER V

MISCELLANEOUS

Chairperson.
Members,
officers of
National Water
Disputes
Authority to
be public
servants.

19. The Chairperson, members and other officers of the National Water Disputes Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. 45 of 1860.

Protection of
action taken
in good faith.

20. No suit, prosecution or other legal proceedings shall lie against Central Government or the State Government, or any officer of the Central Government or the State Government, the Chairperson, Members and other officers of the National Water Disputes Authority acting under this Act for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Court not
to have
jurisdiction.

21. No court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the National Water Disputes Authority is empowered by or under this Act to determine.

Act to have
overriding
effect.

22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law:

Provided that the State Legislature may make such laws as may be necessary to implement the provisions of this Act or the supplement the enforcement of the Act.

Power to
remove
difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary, for removing the difficulty:

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

24. (1) The appropriate Government may, by notification, and subject to the condition of previous publication, and consistent with this Act make rules for carrying out the provisions of this Act.

Power to
make rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule or Framework for Public Participation made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

STATEMENT OF OBJECTS AND REASONS

Water is essential for life. Clean drinking water is a limited natural resource and its use in a sustainable manner is critical for the future generations to survive. However, there is significant disparity in the quantity and quality of water made available on the basis of the identity of water users.

Each year, in addition to significant economic losses equivalent to more than six per cent of India's GDP, nearly thirty-eight million Indians suffer from water-borne diseases while some six lakhs children under the age of five die due to deficient water supply and sanitation. A report of Composite Water Management Index indicates that by the year 2030, India's water demand is projected to be twice the available supply, implying severe water scarcity for hundreds of millions of people and an eventual six per cent loss in the country's GDP. Hence, there is a dire need to take urgent steps to protect, preserve and replenish water sources in the country.

The Hon'ble Supreme Court of India, in an iota of cases, has recognised that the right to clean drinking water is a component of the Right to Life enshrined in article 21 of the Constitution. Further, article 39 of the Constitution provides that the State shall direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common goal.

The United Nations Committee on Economic, Social and Cultural Rights, in its General Comment No. 15, has recognised the Right to Water as a part of right to an adequate standard of living under Article 11 and right to enjoyment of the highest standard of physical and mental health under Article 12 of the International Covenant on Economic, Social and Cultural Rights. Similarly, the United Nations Convention on the Rights of the Child recognises the right of the child to the enjoyment of the highest attainable standard of health, including the obligation of State parties to provide for adequate clean drinking water.

The United Nations General Assembly Resolution 64/292 has recognised the right of every human being to have access to sufficient water for personal and domestic uses which must be safe, acceptable and affordable, and physically accessible, and has declared that clean drinking water is essential to the full enjoyment of life and all other human rights.

It is also notable that article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination against women requires State parties to ensure to women the right to enjoy adequate living conditions, particularly in relation to, *inter alia*, water supply. In a similar vein, Article 28(2)(a) of the Convention on the Rights of Persons with Disabilities requires that State parties take appropriate steps to safeguard and promote the realization and enjoyment, without discrimination, of the right of persons with disabilities to social protection, including measures to ensure equal access by persons with disabilities to clean water services.

Further, the Dublin Statement on Water and Sustainable Development adopted at the International Conference on Water and the Environment recognises that water development and management should be based on a participatory approach involving users, planners and policy-makers at all levels; that women play a central role in the provision, management and safeguarding of water; and that water is a public good and has a social and economic value in all its competing uses. India is obligated under the 2030 Agenda for Sustainable Development, adopted by the United Nations General Assembly in 2015, to achieve universal and equitable access to safe and affordable drinking water for all, and supporting and strengthening the participation of local communities in improving water and sanitation management as its goals.

Article 253 of the Constitution of India empowers the Parliament to make any law for implementing any treaty, agreement or convention with other countries or any decision made at any international conference, association or other body.

In order to address the concerns highlighted in above paragraphs and in pursuance of the obligations under the Constitution and the international conventions and other instruments, this Bill provides for a practical framework for the realization of a Right to Water, to ensure water quality controls and remove disparities in supply of water. It makes a paradigm shift in addressing the problem of water security from the current welfare approach to a right based approach. It enables participation of citizens in the management of water resources and to ensure sustainable use of ecological resources.

The Bill, therefore, seeks to—

(a) declare water as a common resource of persons residing in India, not subject to any ownership, including that of the State, and gives precedence to the use of water for the sustenance of human life over all other uses;

(b) empowering State to hold water in public trust for the people to protect water as a trustee for the benefit of all persons;

(c) impose obligation on the Central Government to, *inter alia*, ensure availability of adequate financial resources and technical assistance to local governments; make annual investments in research and development of technologies related to water; publish all data and information pertaining to water, its management, conservation and protection; publish a Water Security Plan indicating the key threats and risks to India's water security and the steps that are required to address them; undertake measures to anticipate, effectively counter and prevent droughts or floods; sustain and protect any ecosystems that are dependent on water; establish an independent expert panel to notify minimum national standards on water quality and minimum national water footprint standards for every product or good or service;

(d) impose obligation on the State Government to, *inter alia*, ensure localized management and supply of water subject to considerations of equitable access; ensure protection of water sources, conservation of water and rational water use; implement a differential pricing policy for water use; prevent discrimination in access to water; incentivize sustainable land use and agricultural practices; maximize wastewater treatment and its productive use; provide intellectual, administrative and implementational leadership in relation to water management and conservation; undertake mass awareness campaigns and capacity building programmes; publish guidelines and field manuals for water management documenting best practices, information access mechanisms, and concerned helplines; and to ensure adequate provision of funds to water supply administrators to rehabilitate old supply systems;

(e) recognise the right of water users, including the right to water security, right to free and clean water, right to equitable and non-discriminatory access to water, right to meaningful and comprehensive participation, right to access information in relation to the supply, management, control and use of water, and the right to reasonable, non-industrial use of water for livelihood;

(f) require Central and State Governments to remedy the burden faced by women in relation to water scarcity and the historic neglect of their health, hygiene and sanitation needs; denial of access to water based on untouchability and caste; discriminatory patterns or practices that prioritize access to water for industrial or commercial purposes over water for sustenance of human life and that reinforce disparities on the basis of geographical location or ability to pay; and privatisation of supply management and control of water;

(g) recognise the rights of children and future generations, including the right to hygiene and sanitation; the right to clean, free water for human sustenance;

the right to replenished, conserved and protected water sources; and the right to periodically improving standards of water quality;

(h) enable meaningful participation of public by requiring States to notify a Framework for Public Participation adhering to certain enumerated minimum standards, comprising of an administrative process at the local level for participation of water users in conservation or preservation or management of water, and an administrative process at the State level providing the right to seek information, seek enforcement of any right in relation to water or any duty by the State Government;

(i) make the implementation of pricing or regulation of water use subject to conditions that the government shall ensure, *inter alia*, that free and clean water for sustenance of human life is available to all persons regardless of their ability to pay, higher pricing for water consumed for industrial or commercial purposes, incentivize conservation and reuse of water over unsustainable industrial and commercial purposes, incentivize reduction of overall water consumption;

(j) provide for establishment of support networks by the State Government, comprising of empanelled experts, research centres, non-governmental organisations, etc., for consultation by water users to obtain information or technical assistance on issues such as equitable distribution, impact of water quality, suitable infrastructure for water supply and sustainable water use practices; and

(k) provide for a mechanism to address disputes in relation to the Bill through Regional Water Disputes Authority and States Water Disputes Authority, which are bound to dispose applications, petitions and appeals in an expeditious manner.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

NEW DELHI;

ASADUDDIN OWAI SI

November 5, 2019.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides the Central Government to provide adequate financial resources and technical assistance to each State and local Government to discharge their duties under this Act. It also provides for the Central Government to make annual investments in research and development of technologies related to water and makes such technologies available to the State and local government, make publicly available all data and information pertaining to water, its management, conservation and protection, publish a Water Security Plan indicating the key threats and risks to India's water security and the steps that are required to address them, undertake measures to anticipate, prevent, and effectively counter droughts or floods in any part of India, establish an independent expert panel to recommend minimum national standards on water quality that shall be binding across the territory of India and establish an independent expert panel to recommend minimum national water footprint standards for every product or goods or service. Clause 11 provides for the appropriate Government to establish support networks, comprising of empanelled experts, research centres and non-Governmental Organisation, who may be consulted by any section of water users to obtain any information or technical assistance on issues such as equitable distribution, impact of water quality on different uses and users, suitable infrastructure for water supply, sustainable water use practices or such other matters. Clause 12 provides for the establishment of a National Water Disputes Authority consisting of a Chairperson and such other judicial and technical members to exercise powers of adjudication conferred on them under the Act. Clause 17 provides for the appointment of officers and employees to the National Water Disputes Authority. The Bill, therefore, if enacted, would involve expenditure from the consolidated Fund of India. It is estimated that recurring expenditure of about rupees two thousand crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XVI

BILL NO. 31 OF 2021

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2021.

Insertion of
new article
220A.

2. After article 220 of the Constitution, the following article shall be inserted, namely:—

"220A. The Chief Justice or any other Judge of a High Court shall not be eligible for further office either under the Government of India or under the Government of any State or in any Public Sector Undertaking after he has ceased to hold office.".

Prohibition as to the holding of office by the Chief Justice or a Judge of a High Court on cessation of office.

STATEMENT OF OBJECTS AND REASONS

Independence of judiciary is an essential attribute of rule of law, which is a basic feature of the Constitution. Judiciary must be free from all pressure including the pressure from executive as well as psychological pressure relating to their appointment after retirement. The Judges are required to ensure the independence and impartiality of judiciary by keeping themselves free from any allurements or employment under the Government after their retirement.

The Constitution specifically prohibits the Chairman of Union Public Service Commission and its Members, the Chairman of State Public Service Commission and its Members for further employment either under the Government of India or under the Government of any State. The Constitution on the other hand nowhere restricts or prohibits retired Chief Justice and Judges of the High Courts to hold further employment either under the Government of India or under any of the State Government.

Likewise article 148(4) provides that the Comptroller and Auditor General of India shall not be eligible for further office either under the Government of India or under the Government of any State after he has ceased to hold his office.

The Chief Justice and Judges of the various High Courts, the Comptroller and Auditor General of India, the Chairman of the Union Public Service Commission, the Chairmen and members of the State Public Service Commissions are constitutional functionaries and they should be kept free from all kinds of allurements or employment under the Government after cessation of their office. It is presumed that reappointment of Judges would have effect of undermining the independence and fairness of judiciary.

In the present scenario, the Chief Justice and Judges of High Courts are getting handsome salary, other amenities, perks and post retirement benefits. The Chief Justice and Judges of the High Courts are adjudicating rights of citizens which have been jeopardized by the Government. The Judges are coming in contact with the Government on every step. As such need of the moment is to insert a provision in the Constitution for prohibiting the retired Chief Justice and Judges of the High Courts from holding any office/employment under the Government of India or under the Government of any State or in any Public Sector Undertakings.

Hence, this Bill.

NEW DELHI;
January 28, 2020.

P.P. CHAUDHARY

XVII

BILL NO. 128 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2022.

Short title.

2. After article 123 of the Constitution, the following article shall be inserted below the heading "CHAPTER IV.-THE UNION JUDICIARY", namely:-

Insertion of
new article
223A.

"123A. None of the articles viz. 124, 127, 128, 217, 222, 224A and 231, as amended, and new articles 124A, 124B and 124C, as inserted, by the Constitution (Ninety-ninth

Validation.

Amendment) Act, 2014 shall be deemed to be void, or ever to have become void, on the ground that the said articles are inconsistent with, or taken away, the independence of judiciary, and, notwithstanding any judgment, decree or order of any court, each of the said article shall, subject to power of Parliament to omit or amend them, continue in force and shall be deemed always to be in force from the 13th day of April, 2020."

STATEMENT OF OBJECTS AND REASONS

The Judges of the Supreme Court are appointed under clause (2) of article 124 of the Constitution and the Judges of the High Courts are appointed under clause (1) of article 217 of the Constitution, by the President of India. The Ad-hoc Judges and retired Judges for the Supreme Court are appointed under clause (1) of article 127 and article 128 of the Constitution, respectively. The appointment of Additional Judges and Acting Judges for the High Court is made under article 224 and the appointment of retired Judges for sittings of the High Courts is made under article 224A of the Constitution. The transfer of Judges from one High Court to another High Court is made by the President after consultation with the Chief Justice of India under clause (1) of article 222 of the Constitution.

The Supreme Court in the matter of the Supreme Court Advocates-on-Record Association Vs. Union of India in the year 1993, and in its Advisory Opinion given in the year 1998 in the Third Judges' case on a reference being made to the Supreme Court by the then President of India, had interpreted clause (2) of article 124 and clause (1) of article 217 of the Constitution with respect to the meaning of "consultation" as "concurrence". Consequently, a memorandum of procedure for appointment of Judges to the Supreme Court and the High Courts was formulated known as the "collegium system", and is presently being followed for such appointments. Pertinently, the said collegium system doesn't find mention either in the original Constitution or in any successive amendments thereto.

After a thorough review of relevant constitutional provisions, pronouncements of the Supreme Court of India and consultations with eminent jurists, a pressing need has been felt that a broad based National Judicial Appointments Commission should be established for making recommendations for appointment of the Judges of the Supreme Court and the High Courts. The said Commission is expected to serve a meaningful role to the judiciary, the executive and eminent persons to present their view points and make the participants accountable, while also introducing transparency in the selection process. This is further strengthened by the fact that a democratic set up necessitates that all appointments to public offices are made transparently and in a manner which is free from any bias. The process of appointment should be open to review and not merely based on the personal preferences. The transparency in appointments is also necessary to maintain the credibility and reputation of the institution for whose offices such appointments are being made.

The proposed amendment for introduction of National Judicial Appointment Commission is being made after taking into account the fact that established and mature democracies across the world such as the United Kingdom, France, Canada, Denmark, Ireland and South Africa have a robust democratic system of appointing judges to their highest courts where opinion of all quarters of democracy i.e. legislature, executive, judiciary and public at large is considered and valued while appointing the judges in their apex courts.

In a democratic set up, the legitimacy of every constitutional institution including the Supreme Judicial Authority must be traced to the will and consent of the people, directly or indirectly. The bearers to public offices in all other institutions in the country are appointed either by an executive authority that is accountable to the people or by a mechanism involving the executive and legislature by law. No institution in a democracy is entitled under the Constitutional provisions to abrogate itself any power of appointing its own successors. An unelected institution, however exalted, appointing its own press and successors is smeared with the questions regarding democratic accountability. Since the pronouncements made by the judges have a strong and deep impact on the public at large, it is necessary that the judicial appointments are not made unilaterally by the incumbents of the said institution only. Transparency and objectivity in appointment of judges of the Supreme Court and the High Courts is also sine qua non, to ensure the credibility of the judiciary and the will of the people.

The legitimacy of the people's express or implied consent in the democracy as established by the Constitution of India is required to be upheld under all circumstances and for all

public appointments including those of the judges of the Supreme Court and the High Courts. The Parliament of India is one of the pillars upon which the foundations of democracy stand and which has been bestowed with the right of formulating legislations and any attempt to override such constitutional mandate would only go to lessen the supremacy of Constitution which would in effect amount to altering the basic structure of the Constitution.

No functioning Democracy in the world, save for India, has a judiciary that appoints itself. In well-developed democracies, judicial appointments are not in the sole prerogative of the judiciary but the said appointments are made on the basis of an amalgam of considered and valued opinions of the legislature, executive, judiciary and lay citizens appointed by law. The body entrusted with the task of appointing the judges plays a critical role by keeping effective checks and balances and steers to keep any bias out of the system. The history of the appointments of judges in the other democracies as listed in the table can be an effective proof that the involvement of the executive and legislature in the appointment of the judges to the highest judicial offices has not reduced the independence or effectiveness of the judiciary as secured and safeguarded by the Constitution of India.

It is important to protect the credibility of the judiciary, an institution held in high esteem by the citizens of India and the other organs of the State. This credibility must not be tarnished and a credible and respected Supreme Court alone can safeguard the Constitution and the nation and effectively reconcile justice, Constitution, law, harmony and the public good. Any supposed unconstitutional usurpation of power by any constituent of democracy will only go to adversely affect the entire democratic set up. Any apprehension or suspicion that any input by the executive and/or legislature would deconstruct the independence of judiciary and the attempts to completely exclude the executive and/or legislature from the process of appointing judges would be wholly illogical and inconsistent with the foundations of the theory of democracy and a doctrinal heresy.

Lastly, it is vital that transparency of all proceedings material to the people of India and necessary within the Constitutional framework be ensured. The current proceedings of the collegium system are absolutely opaque and inaccessible both to the public and the Governmental records. This is in contrary to the recordings of all other matters that affect the people of India, unlike the proceedings of Parliament and the Government that are available on record and on request under the Right to Information Act, 2005 to the people. Introduction of transparency in appointment of judges would only strengthen the independence of democracy and would be a positive step to further reinforce the trust and faith of people in the judicial set up. Any biasness suspected to have crept into the collegium system would effectively be wiped out by introducing a democratic election of the judges by a body having its roots in the Constitution. For achieving the goals set out above, for ensuring the continued credibility and independence of judiciary and for reinforcing the faith of general public in the judicial set up, the proposed Bill seeks to insert a new article 123A, in the Constitution with a view to validate the Constitution (Ninety-ninth Amendment) Act, 2014.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

P. P. CHAUDHARY

XVIII

BILL NO. 178 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title
and
commence-
ment.

(2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

2. In article 366 of the Constitution, after clause 5, the following clause shall be inserted, namely:—

Amendment
of article 366.

"(5A) "consultation" means the action or process of formally consulting or discussing with another in a merely consultative, advisory and non-binding manner."

STATEMENT OF OBJECTS AND REASONS

Certain terms in the Constitution are not defined leading to leeway in interpretation causing substantial questions of law. Such ambiguity in the law has contributed to the question regarding the appointment of judges to the higher judiciary in India. It is for this reason that the term "Consultation" requires to be defined in the Constitution by way of amendment of Article 366 that defines certain terms in the Constitution. Such definition will not only remove ambiguity in the definition of the term, but restore the Constitutional scheme in the appointment of higher judges by restoring the role of the Executive Branch in the appointment process of judges and reaffirming the primacy of Parliament in the domain of legislation in the nation that has been weakened by judicial overreach in the domain of judicial appointments.

The term "Consultation" appears in a number of articles in the Constitution of India, mainly in Article 124 and its analogous Article 217 and Articles 127 and 222. Herein the matters under question allow for the consultation of other parties by the President of India or the Governor of the State as the case may be in the discharge of his/her duties. The President and Governor are bound by the opinions of others as delivered explicitly by the Constitution under Article 103(2) and its analogous Article 192(2).

Articles 103(2) and its analogous Article 192(2) incorporate the wording "the President (Governor) shall obtain the opinion of the Election Commission and shall act according to such opinion". Hence indicating the intent of the framers of the Constitution to bind the President and Governor's actions to the advice they have received on the matter detailed in the relevant articles. While exercising the powers under the Article 103(2) and 192(2) the President and Governor respectively are not required to act on the aid and advice of the respective Council of Ministers.

Article 124 and its analogous Article 217 and Articles 127, 143, 146(1) and 222 utilise the wording of "consultation" and hence indicating that the framers of the Constitution did not have the intention to bind the President and Governor's actions to the advice they have received on the matter detailed in the relevant articles. They sought only to ensure that the President or Governor appropriately consulted the relevant institutions in discharging their duties, therefore undertaking the action to the best of their knowledge, even allowing them to disregard the recommendations received during the consultation process. This is essential as it ensures that the highest executive functionary has flexibility in the discharge of duties of his office, while ensuring that he received sound non-binding guidance on matters of constitutional and national importance and ensuring that all stakeholders were represented in the consultation process. The term "Consultation" appearing in the Constitution should be given the same meaning homogeneously throughout the Constitution and different meaning cannot be assigned for different provisions of the Constitution.

The judicial pronouncements with regards to Article 124 made the recommendations on the President binding, which is not in keeping with the constitutional scheme. Similar judicial pronouncements can alter further articles of the Constitution, risking the constitutional fabric and framework of the nation. Similar arguments can be utilised with respect to Article 143, making the court's recommendations to the President binding on questions of law, not allowing the President to exercise his/her authority with the flexibility accorded to him/her and disturbing the constitutional scheme. Similarly, under Article 146(1) the recommendations of the Union Public Services Commission may be made binding upon the President for the appointment of officers and servants to the Supreme Court and analogously for the State, hence going against the constitutional scheme.

As detailed above there is a requirement for the definition of the term "consultation", there by extension defining "consult" and "recommendation" to ensure

that the constitutional scheme is not disturbed due to ambiguity of the definition of the term. This will also ensure that the principle of separation of powers, while not enumerated in the Constitution, but upon which it is based, will be maintained. This will also ensure that the appointment process for higher judiciary in the nation is maintained and kept in sync with the constitutional scheme and constitutional text as envisioned by the framers of the Constitution and amendment by Parliament, leading to the true expression of the will of the people. The need for the same has been elaborated upon below.

The Judges of the Supreme Court are appointed under clause (2) of Article 124 of the Constitution of India and the Judges of the High Courts are appointed under clause (1) of Article 217 of the Constitution, by the President of India. The Ad-hoc Judges and retired Judges for the Supreme Court are appointed under clause (1) of Article 127 and Article 128 of the Constitution respectively. The appointment of Additional Judges and Acting Judges for the High Court is made under Article 224 and the appointment of retired Judges for sittings of the High Courts is made under Article 224A of the Constitution. The transfer of Judges from one High Court to another High Court is made by the President of India after consultation with the Chief Justice of India under clause (1) of Article 222 of the Constitution.

The Supreme Court in the matter of the Supreme Court Advocates-on-Record Association vs. Union of India in the year 1993, and in its Advisory Opinion given in the year 1998 in the Third Judges' case on a reference being made to the Supreme Court by the then President of India under his constitutional powers, had interpreted clause (2) of article 124 and clause (1) of article 217 of the Constitution with respect to the meaning of "consultation" as "concurrence". Consequently, a Memorandum of Procedure for appointment of Judges to the Supreme Court and High Courts was formulated known as the "collegium system", and is presently being followed for such appointments. Pertinently, the said collegium system doesn't find mention either in the original Constitution or in any successive amendments thereto. This was in direct contravention of the Court's earlier decision in the matter. In the case of S.P. Gupta (December 30, 1981) also known as the "First Judges Case", it declared that the "primacy" of the CJI's recommendation to the President can be refused for "cogent reasons". This had brought a paradigm shift in favour of the executive having primacy over the judiciary in judicial appointments for the next 12 years before the Supreme Court overturned this in the Second and Third Judges Case.

After a thorough review of relevant constitutional provisions, pronouncements of the Supreme Court of India and consultations with eminent jurists, a pressing need has been felt that the constitutional scheme as desired by the framers of the Constitution be restored by bringing into equilibrium the role of the executive branch in the appointment of the judges.

In a democratic set up, the legitimacy of every constitutional institution including the Supreme Judicial Authority must be traced to the will and consent of the people, directly or indirectly. The bearers to public offices in all other institutions in the country are appointed either by an executive authority that is accountable to the people or by a mechanism involving the executive and legislature by law. No institution in a democracy is entitled under the constitutional provisions to abrogate itself any power of appointing its own successors. An unelected institution, however exalted, appointing its own peers and successors is smeared with the questions regarding democratic accountability. Since the pronouncements made by the judges have a strong and deep impact on the public at large, it is necessary that the judicial appointments are not made unilaterally by the incumbents of the said institution only. Transparency and objectivity in appointment of judges of the Supreme Court and the High Courts is also sine qua non, to ensure the credibility of the judiciary and the will of the people.

The legitimacy of the people's express or implied consent in the democracy as established by the Constitution of India is required to be upheld under all circumstances and for all public appointments including those of the judges of the Supreme Court and the High Courts. The Parliament of India is one of the pillars upon which the foundations of democracy stand and which has been bestowed with the right of formulating legislations and any attempt to override such constitutional mandate would only go to lessen the supremacy of Constitution which would in effect amount to altering the basic structure of the Constitution.

In well-developed democracies, judicial appointments are not in the sole prerogative of the judiciary but the said appointments are made on the basis of an amalgam of considered and valued opinions of the legislature, executive, judiciary and lay citizens appointed by law. The body entrusted with the task of appointing the judges plays a critical role by keeping effective checks and balances and steers to keep any bias out of the system. The history of the appointments of judges in the other democracies can be an effective proof that the involvement of the executive and legislature in the appointment of the judges to the highest judicial offices has not reduced the independence or effectiveness of the judiciary as secured and safeguarded by the Constitution of India.

It is important to protect the credibility of the judiciary, an institution held in high regard by the citizens of India and the other organs of the State. This credibility must not be tarnished and a credible and respected Supreme Court alone can safeguard the Constitution and the nation and effectively reconcile justice, Constitution, law, harmony and the public good. Any supposed unconstitutional usurpation of power by any constituent of democracy will only go to adversely affect the entire democratic set up. Any apprehension or suspicion that any input by the executive and/or legislature would deconstruct the independence of judiciary and the attempts to completely exclude the executive and/or legislature from the process of appointing judges would be wholly illogical and inconsistent with the foundations of the theory of democracy and a doctrinal heresy.

For achieving the goals as set out above, for ensuring the continued credibility and independence of judiciary and for reinforcing the faith of general public in the judicial set up, the Constitution (Amendment) Bill, 2022 is introduced seeks to restore the Constitutional scheme as established by the text of the Constitution and not by judicial usurpation of constitutional amendment.

The proposed Bill seeks to ensure that in the appointment of Judges in the Supreme Court and High Courts, participation of judiciary, executive and legislature through legislation in the appointment of the Judges in the Supreme Court and High Courts be ensured, ensuring representation of all three pillars of democracy in the appointment of judges in the nation.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

P.P. CHAUDHARY

XIX

BILL NO. 82 OF 2021

A Bill to provide for the constitution of a National Population Control Commission to compile population statistics and suggest population control measures to the Central Government and the State Governments and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Population Control Commission Act,
Short title. 2021.

(2) It extends to the whole of India.

(3) It shall come into force with at once.

Short title
and
commence-
ment.

Definition.	<p>2. In this Act unless the context otherwise requires,—</p> <p>(a) "Commission" means National Population Control Commission constituted under section 3; and</p> <p>(b) "prescribed" means prescribed by rules made under this Act.</p>
Constitution of the National Population Control Commission.	<p>3. (1) The Central Government shall by notification in the Official Gazette constitute a Commission to be known as the National Population Control Commission for carrying out the provisions of this Act.</p> <p>(2) The Commission shall consist of:—</p> <p>(a) a Chairperson;</p> <p>(b) a Vice-Chairperson; 10</p> <p>(c) five Members; and</p> <p>(d) three advisors,</p> <p>to be appointed by the Central Government, having experience in population control issues, implementation of _government schemes, development of rural and backward areas in such manner as may be prescribed.</p> <p>(3) The Central Government may appoint such number of officers and staff including technical experts as may be necessary for effective functioning of the commission.</p> <p>(4) The salaries and allowances payable to, and other terms and conditions of service of the Chairperson, Vice-Chairperson, members and advisors, officers and staff shall be such as may be prescribed.</p>
State Governments to provide information to the Commission.	<p>4. Every State Government shall at an interval of every six months send the following detailed information to the Commission:—</p> <p>(a) total urban and rural population of the State;</p> <p>(b) availability of natural resources;</p> <p>(c) population density of the State and its increasing rate; and</p> <p>(d) health related infrastructure.</p>
Functions of the Commission.	<p>5. The Commission shall, on the basis of information received from the State Governments under section 4, make recommendation regarding population control measures to the Central Government and the State Governments:—</p> <p>(a) wide publicity of various family planning programmes;</p> <p>(b) prohibition of child marriage in an effective manner and increasing the age of marriage for boys and girls;</p> <p>(c) encouraging marriage couple to have only one child or two children;</p> <p>(d) priority to married couples having one or two children in ongoing welfare schemes and jobs under the State; and</p> <p>(e) such other recommendations as it may deem necessary, from time to time, for carrying out the provisions of this Act.</p>
Constitution of the Population Control Fund.	<p>6. The Central Government shall, by notification in the Official Gazette, constitute a fund to be called as the Population Control Fund to implement the 40 provisions of this Act.</p>
Act not to be in derogation of any other law.	<p>7. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.</p>

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENTS OF OBJECTS AND REASONS

In present scenario, India is having the fastest growth of population in the world which is India's biggest problem. India has a large population in terms of its area also. There are many reasons behind it like illiteracy, lack of better medical facilities, child marriage, social security and superstitions etc. But now the time has come for its proper redressal.

Every year, there is an increase in population of around eight crore world wide and India alone contributes two crore in it. In India, approximately fifty two babies are born every minute. India is the second largest country in the world in terms of population. Population growth has always been a problem for India and due to this, many problems are occurring in the country. The main problem caused by it is environmental pollution, poverty, unemployment and health related problems etc. It is very important to get rid of these problems and strive for population control.

Developing countries share a major chunk of this growing population. The developed countries like USA, France, UK and Germany etc. have a population growth rate of percent, while the average population growth rate of other developing countries including China and India is 2.0 percent. According to an estimate, India's population was around 136 crores in the year 2019 and by the year 2050 the total population of India will cross the figure of 164 crores. Recently the United Nations has released a report titled 'The World Population Prospects 2019: Highlights', according to which India is projected become the most populous country in the world by surpassing China by the year 2027. The report also underscores that a large number of youth will be there in India during this period, but due to scarcity of necessary natural resources, to meet the basic needs like food, shelter, medicine and education of such a large population will be the biggest challenge for India. High fertility rates, increasing number of elderly people and increasing migration have been cited as some of the major causes of population growth. Excess population is the biggest impediment to the path of progress of a developing country like India and there is an urgent need to take effective steps for its proper management.

Therefore, it is proposed to set up a National Population Control Commission with the objective of saving the country from a situation of population explosion keeping in view the availability of limited resources and health related services in the country.

The Bill seeks to achieve the above objectives.

NEW DELHI;
September 2, 2020.

NIHAL CHAND

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Population Control Commission. It also provides for appointment of a Chairperson, Vice-chairperson, Members and Advisors to the Commission. It further provides that the Central Government shall make available such number of officers and staff as may be necessary for proper functioning of the Commission. Clause 6 provides for the establishment of a Population Control Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees four hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to implement the provisions of this Act. As the rules will relate to matters of details only, the delegation of legislative power is of normal character.

XX

BILL NO. 122 OF 2021

A Bill to provide for the compulsory periodical desiltation of dams, reservoirs, rivers and such other water bodies and an institutional mechanism by establishing a National Authority to ensure timely and periodical desiltation of such water bodies in the country to increase their water holding capacity and ensure smooth flow of water which will reduce the incidence of floods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Periodical Desiltation of Dams, Reservoirs and Rivers Act, 2021.

(2) It extends to the whole of India.

Short title,
and extent
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "Authority" means the National Desiltation Authority of India established under section 3;

(c) "Dam" means any artificial barrier and its appurtenant structure constructed across rivers or tributaries thereof to impound or divert water which also include barrage, weir and similar water impounding structures;

(d) "desiltation" means removing of sediments of rocks and clay deposited by flowing stream of water in a river, dams and other water bodies;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "reservoir" in relation to a dam shall mean any spread of water impounded by such a dam.

Establishment
of National
Desiltation
Authority of
India.

3. (1) The Central Government shall, within a period of sixty days from the date of commencement of this Act, by notification in the Official Gazette, establish for the purposes of this Act, an Authority to be known as the National Desiltation Authority of India for carrying out the purposes of this Act.

(2) The Authority shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose off properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The headquarters of the Authority shall be at Deoghar in the State of Jharkhand and the Authority may also establish offices at other places in India.

(4) The Authority shall consist of a Chairperson, a Deputy Chairperson and four other members having such qualifications and experience to be appointed by the Central Government in such manner as may be prescribed;

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and other members shall be such as may be prescribed;

(6) The Authority shall have its own Secretariat headed by a Secretary and such number of officers and staff as may be necessary for the efficient functioning of the Authority.

(7) The salaries, allowances payable to and other terms and conditions of service of the Secretary, other officers and staff shall be such as may be prescribed.

(8) The Authority shall comply with such directions, as may, from time to time, be given to it by the Central Government.

(9) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed.

4. (1) The Authority shall—	Functions of the Authority.
(i) prepare a list of dams, reservoirs and rivers in the country and chalk out a programme for desiltation of each of these dams, reservoir and river;	
(ii) prescribe norms for desiltation, prioritisation of works, proper surveillance and inspection;	
(iii) ensure that every dam, reservoir and river undergoes desiltation process at least once in every five years.	
(2) Without prejudice to the generality of the provisions, contained in sub-section (1), the Authority shall make all endeavours to,—	
(a) make provision for machinery, vehicles and necessary infrastructure required for desiltation works;	
(b) hire services of experts in the field of desiltation works in consultation with Dredging Corporation of India;	
(c) suggest measures for the use of silt which will be generated after the desiltation works;	
(d) make provisions for safety, emergency action plan and such other measures, as may be prescribed, during the desiltation works undertaken by the Authority.	
5. It shall be the duty of the appropriate Government to extend requisite help, manpower and assistance to the Authority, as and when required by it.	Appropriate Government to extend required help to the Authority.
6. (1) The Authority shall prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government.	Annual Report.
(2) The Central Government shall, as soon as may be, cause the annual report to be laid before each House of Parliament.	
7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Authority by way of grants such sums of money as may be required for the effective implementation of the provisions of this Act.	Central Government to provide funds.
8. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force dealing with the subject matter of this Act.	Act to supplement other laws.
9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Power to make rules.
(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.	

STATEMENT OF OBJECTS AND REASONS

Our country has many rivers and there are several cities and villages near their banks. These rivers give much required water for drinking and other purposes and for irrigation purposes to grow crops in major parts of the country. On many rivers, dams have been constructed to generate hydro-power to meet the power demands of our vast nation. The water stored in these dams is also used for drinking and irrigation purposes.

Similarly, large number of reservoirs have been constructed across the country which store rainwater which is used for drinking and other purposes. For instance, Jharkhand is at large dependent on nearby reservoirs for its daily water supply and so is the case of other States also.

However, the holy rivers which provide water for our lifeline also bring havoc and destructions through floods. One of the main reasons for flooding of these rivers is deposit of huge quantities of silt in their bed which reduces their water holding capacity resulting in floods.

Similarly, large quantities of silt deposited in dams and reservoirs across the country which has substantially reduced their capacity to hold water in them. As a result, for instance, when summer approaches the water level in reservoirs goes down substantially resulting in severe water crisis and this happens almost every year. Since the rivers, dams, reservoirs and big water bodies in the country are never desilted, the situation is becoming from bad to worse. Floods are causing huge losses of human lives, properties, crops, livestock and bring miseries to the people year after year. Similarly, huge deposits of silt in dams and reservoirs is causing severe water crisis for drinking as well as irrigation purposes. Hence, it has become utmost necessary to carry out periodical desiltation of rivers, dams and reservoirs in the country. It is felt that every river, dam and reservoir must be desilted once in every five years. For this purpose, an Authority be established at the national level to ensure desiltation of these water bodies as per time schedule.

Hence, this Bill.

NEW DELHI,
January 15, 2021.

NISHIKANT DUBEY

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3)
OF THE CONSTITUTION

[Copy of letter No. P-22021/1/2021-Comm(SPR)/1270 dated 22 September, 2021 from Shri Gajendra Singh Shekhawat, Minister of Jal Shakti to the Secretary General, Lok Sabha].

The President, having been informed of the subject matter of the Compulsory Periodical Disiltation of Dams, Reservoirs and Rivers Bill, 2021 by Dr. Nishikant Dubey, Member of Parliament, recommends to the House, the consideration of the Bill under clause (3) of article 117 of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of National Desiltation Authority of India. Clause 7 makes it mandatory for the Central Government to provide required funds to the Authority. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage it is not possible to quantify the amount but it is estimated that a sum of rupees fifty thousand crore will involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one lakh crore will also be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

XXI

BILL NO. 61 OF 2021

A Bill to provide for the protection and rehabilitation of victims of floods which may be caused by heavy rains, cloudbursts, cyclones, breached bunds of dams, eservoirs and other reasons by making various provisions through a statutory board at national level which may also suggest measures to be taken by the Central and the State Governments to control floods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Floods caused by Heavy Rains, Cyclones and Other Reasons (Rehabilitation and Welfare) Act, 2021.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "Board" means the National Board for Rehabilitation and Welfare of Flood Victims established under section 3; and

(c) "prescribed" means prescribed by rules made under this Act.

Establishment
of Board.

3. (1) The Central Government shall, as soon as may be, but within a period of sixty days from the date of commencement of this Act, by notification in the Official Gazette, establish for the purposes of this Act a Board to be known as the National Board for Rehabilitation and Welfare of Flood Victims for carrying out the purpose of this Act.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The headquarters of the Board shall be at Deogarh in the State of Jharkhand and its regional offices shall be located in the capital of each State and Union territory.

(4) The Board shall consist of:—

(i) a Chairperson, a Deputy Chairperson and six other members to be appointed by the Central Government in such manner as may be prescribed; and

(ii) not more than one representative from the each State and Union territory to be nominated by the respective State Government and Union territory Administration.

(5) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.

(6) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson and other members, officers and staff of the Board shall be such as may be prescribed.

(7) The Board shall comply with such directions as may, from time to time, be given to it by the Central Government.

(8) The Board shall meet at such place and observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed.

Functions of
the Board.

4. (1) The Board shall discharge such functions as may be necessary for the protection and rehabilitation of victims of floods caused by heavy rains, cloudbursts, cyclones, breached bunds of dams and reservoirs.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Board may also provide for:—

(a) making a detailed study and analysis of floods caused in the past in the different regions and areas of the country and identify areas in every State and Union territory which are prone to floods;

(b) making provision for accelerated water drainage system in the residential areas prone to floods in particular which are near the rivers or the sea, as the case may be;

(c) suggesting policy with regard to construction of houses and commercial establishments near the rivers and beaches;

(d) making provision for providing permanent shelters capable of withstanding the severity and intensity of flood waters to the inhabitants of identified floodprone areas;

(e) steps to be taken for plantation of trees and shrubs as afforestation measure in and around floodprone areas and in particular near the rivers and hilly areas where landslides are caused by floods or heavy rain to mitigate the gravity of floods and cloudbursts;

(f) installing flood forecasting systems to alert the persons of floodprone areas;

(g) making provision of food, drinking water and other necessities in flood-affected areas during floods in such manner as may be prescribed;

(h) making provision for boats and other rescue materials for the rescue of persons in flooded areas;

(i) making recommendations to the Central Government for minimizing the loss of lives and properties in flood affected and flood prone areas;

(j) keeping perpetual surveillance, carrying out inspections and monitoring rescue operations during the floods.

5. It shall be the duty of the appropriate Government to implement the recommendations of the Board.

Appropriate Government to implement recommendations of the Board.

6. Notwithstanding anything in this Act or any other law for the time being in force, the Central Government shall pay compensation of,-

Compensation in case of death or serious injury during flood.

(i) rupees ten lakh to the nearest kin of a person who has lost his life in flood;

(ii) rupee five lakh in case of a serious injury to a person affected by flood.

7. (1) The Board shall prepare, in such form and at such time, as may be prescribed, its annual report, giving a true and full account of its activities during the previous financial year and submit a copy thereof to the Central Government.

Annual Report.

(2) The Central Government shall cause the annual report to be laid before each House of Parliament.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf provide to the Board requisite funds every year for the effective implementation of this Act.

Central Government to provide requisite funds.

9. This Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other laws.

10. (1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made,

before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In several parts of our vast nation floods are a regular phenomenon caused by mother nature's fury every year. Even this year floods have wreaked havoc in various States such as Bihar, Uttar Pradesh, Punjab, Himachal Pradesh, Uttarakhand, Madhya Pradesh, Chhattisgarh, Maharashtra, Assam and Odisha. It has not spared even desert States such as Gujarat and Rajasthan. Bihar, Assam and eastern Uttar Pradesh which face the fury of floods every year caused by rivers emanating from Nepal and China. Apart from the fury of mother nature, humans too have contributed immensely in the matter. Polluted environment, unplanned and uncontrolled development in the cities, particularly those which are near the rivers and sea, ruthless destruction of jungles, rampant use of plastic, toxic gases, chemicals, etc. lead to disruption in the weather cycle in the country, frequently culminating in the fury of floods. The floods devastate quite a large number of villages, cities and damage properties, crops, roads and kill human beings and livestock. The agricultural land also undergoes severe soil erosion. Due to these floods, the country suffers huge losses in terms of human lives, livestock, properties, crops, etc. thereby increasing the financial burden of the Governments of the day. At the same time, persons become homeless and get displaced and face innumerable problems including safety of their lives.

Though the Central Government and State Governments and their agencies do their level best to provide relief to the victims of floods and their kins by making temporary arrangements of shelter, food etc. for them, it is felt that there still is a need to have a permanent statutory body to suggest measures to control floods. As such a National Board needs to be established to exclusively deal with natural calamity of floods in the country.

Hence, this Bill.

NEW DELHI;
January 15, 2021.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Board for Rehabilitation and Welfare of Flood Victims. Clause 8 makes it obligatory for the Central Government to provide requisite funds for effective implementation of the provisions of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the amount but it is estimated that an amount of one thousand crores rupees may involve as recurring expenditure per annum.

A non-recurring expenditure to the tune of five hundred crore rupees may also involve for creating assets.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is therefore of a normal character.

XXII

BILL NO. 134 OF 2021

A Bill to prohibit sale and promotion of multi-digit lotteries and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Multi-Digit Lotteries Act, 2021.

(2) It extends to the whole of India.

Short title
and extent.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "lottery" means a scheme, in whatever form, and by whatever name called, for distribution of prizes by lot or chance to persons participating in the lots or chances of a prize by purchasing tickets in proper form or through online;

(b) "multi-digit lottery" means a lottery in which prizes are distributed to participating persons on the chances of matching of more than single digit.

(c) "organization" means any local or other authority functioning under the control of the Central Government or a State Government and includes an undertaking established by or under a Central, or a State Act or which is controlled or financed wholly or substantially by funds provided directly or indirectly by the Central Government or a State Government or a Government company as defined in the Companies Act, 2013.

18 of 2013.

Prohibition of
Multi-Digit
Lotteries.

3. Notwithstanding anything contrary contained in any other law for the time being in force no organisation shall organise, conduct or promote multi-digit lottery or sell or distribute or put for sale any multi-digit lottery either in paper form or through online, in any manner whatsoever or receive or remit any money in pursuance thereof.

Penalty.

4. (1) Where a multi-digit lottery is organised, conducted or promoted in contravention of the provisions of this Act, by any Department of the Central Government or a State Government or any other organisation including companies or private individual, the Head of such Department or the person in charge of such organisation or the Private individual as the case may be, shall be guilty of committing an offence under this Act:

Provided that nothing contained in this section shall render such Head of the Department or such person in charge liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where a contravention under this Act has been committed by a Department of the Central Government or State Government or any organisation and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of such Department or the person in charge of such organisation, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Whoever commits an offence under this Act, shall be punished with imprisonment for a term which shall not be less than six months but may extend to two years or with fine, or with both.

Offences to be
cognizable and
non-bailable.

5. The offence under this Act shall be cognizable and non-bailable.

STATEMENT OF OBJECTS AND REASONS

Lottery is species of gambling. It generates a false sense of security amongst the poor persons who get addicted to it and ruin their lives. The social cost of lotteries is too high particularly when the single earning member of families get addicted to lottery. At present, States including Kerala, Punjab, Maharashtra, Sikkim, Mizoram, Nagaland, Goa and few others promote lottery. These multi-digit lotteries are now grappling the youth by entering through electronic media.

The first endeavour to ban lottery in India was in 1998 when the Parliament, cutting across party lines, unanimously enacted the Lotteries (Regulation) Act, 1998 (Act No. 17 of 1998). This Act in addition to regulating lotteries, banned the single digit lottery and pre-announced number lotteries. Such was the momentum around the 1998 Act that members of Parliament who had participated in the debate had asked the Central Government to bring a law banning multi-digit lottery as well.

The Bill proposes to ban all forms of multi-digit lottery including its online form across the country with a view to ensure that gullible people are not entrapped and looted by bogus claims of getting richer overnight.

Hence, this Bill.

NEW DELHI;
January 15, 2021.

NISHIKANT DUBEY

XXIII

BILL NO. 37 OF 2021

A Bill to provide for the compulsory health insurance for the senior citizens, mentally retarded children and persons with disability to be funded by the Government and for free of cost treatment of insured persons by all hospitals including private hospitals and clinics and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Compulsory Health Insurance for Senior Citizens, Mentally Retarded Children and Persons with Disabilities Act, 2021.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "beneficiary" means a disabled person, senior citizen or mentally retarded child who has been given health insurance under this Act;

(c) "child" means a person irrespective gender who has not attained the age of twenty years;

(d) "disabled person" means a person suffering from not less than forty per cent of any physical disability as certified by a competent medical authority and whose monthly income from all sources is not more than twenty thousand rupees;

(e) "mentally retarded child" means a child with a condition of arrest or incomplete development of mind which is specially characterised by subnormality of intelligence;

(f) "person with disability" shall have the same meaning as assigned to it in clause (s) of section 2 of the Rights of Persons with Disabilities Act, 2016;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheme" means Health Insurance Scheme framed under section 3; and

(i) "senior citizen" means a male, female or a transgender who has Completed the age of sixty years.

3. (1) The Central Government shall, as soon as may be, but within one year of the commencement of this Act, by notification in the Official Gazette, formulate a Comprehensive Health Insurance Scheme for the senior citizens, mentally retarded children and persons with disability.

Comprehensive Health Insurance Scheme for the senior citizens, mentally retarded children and disabled persons.

(2) The appropriate Government shall pay the premium of health insurance payable by the senior citizens, mentally retarded children and persons with disability to the insurer for providing healthcare services to the beneficiaries covered under the provisions of this Act in such manner as may be prescribed.

4. (1) Notwithstanding anything contained in any other law for the time being in force, every beneficiary covered under this Act, shall be entitled to healthcare facilities, free of cost from all the hospitals including Government and privately owned hospitals, nursing homes and clinics, as may be specified by the appropriate Government, from time to time;

Free Health-Care Facilities.

(2) The free healthcare facilities referred to in sub-section (1) shall include:—

(a) consultation with physician and specialist;

(b) out patient and indoor treatment;

(c) diagnostic and laboratory services of all kinds;

(d) all kinds of surgeries;

(e) medicines;

(f) blood transfusing and such other facilities; and

(g) such other treatments and medical facilities as may be prescribed.

Public sector insurance companies to make payments to hospitals.

5. (1) Notwithstanding anything contained in any other law for the time being in force, the public sector insurance companies shall enter into agreement with privately owned hospitals to make payments to such hospitals at such rates as may be agreed to by the Public sector insurance companies and the hospitals for providing healthcare facilities free of cost to the beneficiaries covered under this Act.

(2) The public sector insurance companies which have entered into an agreement with private hospitals under sub-section (1) may either themselves or through an agency designated in that behalf inspect the hospitals from time to time to ensure that provisions of this Act are effectively complied with and if, it is found that any private hospital does not comply with the provisions of this Act, such hospital shall be blacklisted and shall also be liable to pay such compensation, as may be prescribed.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide in each financial year requisite funds to the Government of the States and public sector insurance companies for the implementation of the provisions of this Act.

Act to have overriding effect.

7. The provisions of this Act and rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to supplement other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are millions of senior citizens, disabled persons and mentally retarded children in our country who do not have access to adequate and good quality healthcare facilities. Their number is continuously increasing. The general insurance companies do not insure them. Senior citizens after completing the age of sixty five years are not insured for health cover by the private sector insurance companies. Public sector insurance companies have recently started insuring senior citizens irrespective of age but majority of senior citizens are out of the ambit of health insurance whereas at this juncture of their lives they need the health cover the most. Similarly mentally retarded children and disabled persons have to depend on others for many things including the healthcare facilities. The families of disabled persons and mentally retarded children are forced to bear huge costs beyond their means for the healthcare.

Hence, it has become necessary for the Government to take sole responsibility to provide health insurance and healthcare facilities to senior citizens, disabled persons and mentally retarded children.

Hence, this Bill.

NEW DELHI;
January 15, 2021.

ALOK KUMAR SUMAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of a Comprehensive Health Insurance Scheme for the senior citizens, mentally retarded children and persons with disabilities. Clause 4 provides for free healthcare facilities. Clause 7 makes it obligatory for the Central Government to provide requisite funds for the purposes of this Bill. The Bill, therefore, if, enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two lakh crore will involve as recurring expenditure per annum from the Consolidated Fund of India.

No non recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

XXIIV

BILL NO. 123 OF 2021

A Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

BE it enacted by Parliament in the Seventy-second year of the Republic of India as follows:—

1. (1) This Act may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment) Act, 2021.

Short title
and extent.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 20-I of the Ancient Monuments and Archaeological Sites and Amendment of Remains Act, 1958, in sub-section (1), after clause (a), the following clause shall be section inserted, namely:—

Amendment
of Section
20-I.

"(aa) issue a show cause notice, in such manner as may be prescribed, to any person or institution having unauthorized encroachment within one hundred

metre of protected monuments and protected areas declared as of national importance under sections 3 and 4 and seek reasonable explanation within fifteen days of the date of issue of show cause notice from such person or institution:

Provided that if the person or institution to whom show cause notice has been served fails to file reasonable explanation within the said period of fifteen days, the action to remove the encroachment shall be initiated by the Authority under intimation to the Central Government;".

STATEMENT OF OBJECTS AND REASONS

The Ancient Monuments and Archaeological Sites and Remains Act, 1958 (No. 24 of 1958) came into force on 28 August, 1958 in order to provide better and effective protection of the archaeological asset of the country. The Act provides for protection of ancient and historical monuments and archaeological sites and remains of the national importance, for regulation of archaeological excavations and preservation of sculptures, carvings and other similar assets.

Despite having the effective laws in the country, the incidents of theft, smuggling, illegal transfer, unauthorized or illegal encroachment and defacing and damaging of archaeological assets by the public in some way or the other speak of unfortunate and alarming situation. Over the years, twenty-four protected monuments of the country have disappeared due to urban development and unauthorized or illegal encroachment. At present also, large-scale construction work is still under way in the restricted periphery of the protected monuments, as a result of which condition of these monuments is deteriorating.

India has a pristine history and it is famous in the world for its versatile culture, archaeological assets and ancient monuments. Archaeological asset is a better option to know and understand the history of any country and it also increases its importance from the tourism perspective. The moral responsibility to keep these assets safe and secure not only lies with the Government, but also with the citizens and institutions of the country. Preservation of the existing archaeological assets, ancient monuments and archaeological sites and remains in the country is possible only by way of protecting them from unauthorized or illegal encroachments.

The Bill, therefore, seeks to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958 with a view to empower the National Monuments Authority to issue show cause notice to any person or institution having unauthorized encroachment within one hundred metre of protected monuments and protected areas and removal of such encroachment upon failure to provide reasonable explanation thereto within a specified period.

The Bill seeks to achieve the above objectives.

NEW DELHI;
January 15, 2021.

NIHAL CHAND

XXV

BILL NO. 62 OF 2021

A Bill to establish an Over-the-Top (OTT) Platforms Regulatory Authority to ensure complete ban on showing violent, abusive and vulgar web series, films or such other similar content on Over-the-Top Platforms in the country and for matters connected therewith.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Over-the-Top Platforms Regulatory Authority Act, 2021.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Authority" means the Over-the-Top Platforms Regulatory Authority established under section 4;

(b) "Over-the-Top" means a media service that offer access to the film and television content provided over the internet connection at the request and to suit the requirement of individual consumer;

(c) "Over-the-Top platform" means such online platform, other than a cable or satellite, where the Over-the-Top contents are made available to the intended consumers; and

(d) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, there shall be ban on violent, abusive and vulgar web series, films or such other contents on Over-the-Top platforms in the country.

Ban on violent, abusive and vulgar web series, films or such other contents on the Over-the-Top platforms in the country.

4. (1) The Central Government shall, by notification in the Official Gazette, establish an Authority to be known as the Over-the-Top Platforms Regulatory Authority for carrying out the purposes of this Act.

Establishment of Over-the-Top Platforms Regulatory Authority.

(2) The Authority shall consist of :—

(a) the Union Minister of Information and Broadcasting- ex-officio Chairperson;

(b) two Members of Parliament one each from the House of the People and the Council of States to be nominated by the respective Presiding Officer of each House - member;

(c) two persons representing the web series and the film sector to be appointed by the Central Government in such manner as may be prescribed-member;

(d) two officials from amongst the Indian Administrative Service or its equivalent thereto - member:

Provided that an officer from the Indian Administrative Service or its equivalent shall be the Secretary of the Authority.

(3) The meetings of the Authority shall be held twice a month:

Provided that the Chairperson may, in consultation with the Secretary, call the meeting of the Committee as and when required.

(4) The Union Ministry of Information and Broadcasting shall provide secretarial and financial assistance to the Authority.

(5) The Salary and allowances payable to, and other terms and conditions of services of members appointed under clause (c) of sub-section (2) shall be such as may be prescribed.

5. The Authority shall—

Functions of Authority.

(a) ban any content including web series or films shown on Over-the-Top platform, if such content, web series or film—

(i) is obscene;

(ii) contains abusive language;

(iii) shows disrespect to sanatan symbols;

(iv) contains anti-woman content or insults woman or outrage their modesty;

(v) promotes superstitions; and

(vi) contains such other contents which it deems necessary to ban for carrying out the purposes of this Act; and

(b) grant certificate to the Over-the-Top platforms for telecasting any web series, film or such other contents.

Responsibility of Over-the-Top Platform.

6. It shall be the responsibility of every Over-the-Top platform to—

(a) undertake research and authenticate the contents of web-series or films being telecast on Over-the-Top platform; and

(b) obtain requisite certificate prior to the telecast any web series or film on the Over-the-Top platform from the Authority.

Right of person to Complaint to the Authority.

7. (1) Any person dissatisfied with the contents being shown in web series or films being telecast on Over-the-Top platform may file a complaint with the Authority in such manner as may be prescribed.

(2) The Authority shall, on receipt of a complaint under sub-section (1), consider and examine such complaint in such manner as may be prescribed.

(3) Where on examination of a complaint under sub-section (2), the Authority is of the opinion that the content being shown in web series or films being telecasted on Over-the-Top platform is violent, abusive or vulgar, it shall order stopping the telecast of such content with immediate effect:

Provided that the Authority shall, prior to stopping the telecast of such content, give reasonable opportunity of being heard to such Over-the-Top platform.

Penalty.

8. If any Over-the-Top platform telecast any web series, film or such other content in contravention to the provisions of this Act such Over-the-Top platform shall be punished with an imprisonment for a term which may extend upto seven years and with fine which may extend upto rupees ten lakh.

Central Government to provide Fund.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.

Power to remove difficulties.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after expiry of the period of three years from the date of commencement of this Act.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Over-the-Top (OTT) facilitates viewing of television and film contents at high speed internet without cable or satellite provider. There are a lot of OTT platforms in India that are broadcasting a variety of programmes. According to a survey, the Hot Star on the OTT platform is the most watched in India right now.

Over-the-Top (OTT) media are flourishing in this COVID-19 pandemic era. A large section of audience has been attracted to them due to closure of cinemas. OTT is continuously bringing new material in order to cash in on the inclination of viewers towards it. There has been a rapid increase in such web series and films. It is glaring that there is glorification of socio-economic aberrations and ideological agenda in them instead of healthy entertainment. Web series are devoid of spirit of Indianness and are disconnected with ground reality. As one takes a comprehensive view of Indian web series, one finds that these producers of web series do not seem to have come out of the influence of sacred games on web series of the year 2018. This is the reason why most of the Indian web series are based on crime stories because they contain abusive language and violent scenes regarding sanatan symbols has become part of such crime stories.

Nowadays, OTT platforms in India are crossing the limit of obscenity with abusive language which is becoming a challenge to the civilization and culture of Indian society. The producers and directors of the web series over OTT platform argue that they are showing reality with abusive speech. For once, even if we consider it to be true, it is worth-underlining the fact that Indian society, which is known for its civilization and culture, has an artistic medium of film or television. Its success lies in the fact of presenting harsh and cruel reality in such an artistic manner that the scene is presented with its full sense and the person who watches the same does not feel anything uncomfortable in presence of their family members.

Old films are an example of restraint which used to show intimate scenes of heroes and heroines under the cover of symbolic gestures closing of doors, lantern getting dimmed, showing rivers, running fans, open door, etc. Scenes of murder, etc. were also filmed in such a way that they did not appear gory. With advances in technology, some symbolic methods can be created for such uncomfortable scenes but the producers of these web series are unbridled what can one expect from them now. These web series lack variety as no creative work has been done so far in these web series.

Therefore, there is an urgent need for working in the direction of bringing web series after carrying out complete research and authentication and without any prejudice to the matters of science, history, religion, philosophy, literature, etc. of the country. Web series on the story of a scientist or a literature figure or untold and forgotten history can be produced. Such possibilities are not much but they require well power and good intention.

According to a survey conducted by App Distribution Platform Mo-Magic across the country, 55% of people in India are watching TV shows, movies, sports and other content on OTT platforms. OTT platforms are becoming increasingly popular due to the easy access of internet, net speed, increasing number of smart phones. The convenience of watching video contents on a journey through mobile or anywhere outside the house has greatly increased its use. The OTT market in India will reach rupees 3.60 lakh crore by the year 2023.

According to the Boston Consulting Group Report, this market was of rupees thirty-five thousand crore till 2018. With the increasing internet speed and smart phone user growth, the OTT market in India is growing at a faster pace of 15% by the year 2025, its global market will grow at a speed of 17% to reach at rupees 240 lakh crore. Most Indian web series are based on crime stories, as such stories have the full possibility

to create scenes of obscenity, abusive speech and violence. At the same time, the humiliation of Sanatan symbols has also become a part of such crime stories. Free from the curbs of regulation, web series producers who have assumed that the chaos of expression is the only art, it is meaningless to expect from them to produce a web series or film in line with Indian civilization and tradition.

OTT service providers do not fall under system of strict regulatory or license system like Telecom companies. OTT services provide applications and services that are used through the Internet and use the operator's network. Therefore, it is an appropriate time to set up Over-the-Top (OTT) Platform Regulatory Authority to maintain a comprehensive regulatory regime for various aspects related to the OTT (Over-the-Top) services outside the purview of law and rules to ensure telecast of web series, etc. in accordance with Indian culture and society.

Hence, this Bill.

NEW DELHI;
February 11, 2021.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for establishment of Over-the-Top (OTT) Platform Regulatory Authority. It also provides for appointment of representatives of web series and film sector to the Authority. Clause 9 provides for the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Two thousand crore is also likely to involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XXVI

BILL NO. 112 OF 2021

A Bill to provide for the exemption from payment of outstanding education fees to educational institutions or education loan to banks taken for pursuing higher studies in the event of death of student or physical or mental disability of student due to any reason and for matters connected therewith.

BE it enacted by the Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Higher and Technical Education (Exemption from Payment of Outstanding Fees and Education Loan) Act, 2021.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State and Union territory with Legislative Assembly, the State Government and the Government of the Union territory, respectively, and in all other cases, the Central Government;

(b) "bank" means any nationalized or commercial bank and includes a private or foreign bank;

(c) "education loan" means any type of loan offered by the banks to students for payment of tuition fee or living expenses or purchasing of books and study material for pursuing higher or technical education;

(d) "fee" means any amount demanded or charged or collected, directly or indirectly, for, or, on behalf of any institution, or paid by any person in consideration for admitting any person as student in an institution;

(e) "Fund" means the Educational Loan Fund constituted under section 6;

(f) "higher and technical education" means education beyond senior secondary level and includes education in the fields of law, theology, medicine, technology, business, music or art;

(g) "institution" means a technical educational institution or medical educational institution or any such institution registered under the Societies Registration Act, 1860 and recognised as such by the appropriate statutory authority or a university as defined in section 2 of the University Grants Commission Act, 1956 and includes an institution deemed to be a university under section 3 of that Act or under any other law for the time being in force; and

(h) "parent" in relation to a student includes guardian and every person who has the actual custody of the child for the time being;

(i) "prescribed" means prescribed by rules made under this Act; and

(j) "student" means any citizen who has taken admission in higher and technical educational institution;

Exemption from payment of fee and education loan by students and parents in case of death or physical disability or mental disability of the student.

3. Notwithstanding anything contained in any judgement or order of any Court or Tribunal, regulations and law for the time being in force dealing with payment of education loan to bank or tuition fee or any other fee to educational institution, no student or his parent shall be liable for payment of,—

(a) any outstanding fee or any other charges to an educational institution;

(b) any outstanding education loan to any bank or financial institution from where the student or his parents have borrowed educational loan; in case of untimely death or physical disability or mental disability of the student due to any reason.

Responsibility of Educational Institutions of waive of education fee in case of death or physical disability or mental disability of the student.

4. (1) It shall be the responsibility of every higher and technical educational institution to waive the outstanding dues of tuition or any other fee consequent of untimely death or physical or mental disability of the student due to any reason.

(2) Every higher and technical educational institution shall forward the details of students covered under sub-section (1) to the appropriate Government.

(3) The appropriate Government shall, on receipt of details of students under sub-section (2), pay the outstanding dues of tuition fee or any other fee to the education institution in such manner as may be prescribed.

5. Every higher and technical educational institution shall refund tuition or any other fee, if any, deposited by the student in advance during the academic year to the parents consequent of untimely death or physical or mental disability of such student due to any reason.

Educational Institutions to refund advance fee in case of death or physical or mental disability of the student.

6. The appropriate Government shall implement an insurance scheme to extend life insurance cover to every student who borrows education loan to pursue higher or technical education.

Appropriate Government to provide life insurance cover.

7. (1) It shall be the responsibility of every bank to write off the outstanding dues of education loan amount consequent of death or physical disability or mental disability of the borrower student due to any reason.

Responsibility of banks to waive of education loan on certain grounds.

(2) Every bank shall forward the details of students covered under sub-section (1) to the appropriate Government.

(3) The appropriate Government shall, on receipt of details of students under sub-section (2), pay the outstanding dues of education loan to the bank in such manner as may be prescribed.

8. (1) The Central Government shall after the due appropriation made by Parliament by law in this behalf, constitute a Fund to be known as the Educational Loan Fund for carrying out the provisions of this Act.

Constitution of Education Loan Fund.

(2) The Fund constituted under sub-section (1) shall be utilised for payment of—

(i) premium of life insurance of students;

(ii) outstanding dues of tuition fee or any other charges to the educational institution in case of death or physical disability or mental disability of the borrower student due to any reason; and

(iii) outstanding loan to banks in case of death or physical disability or mental disability of the borrower student due to any reason.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act not to be in derogation of any other law.

10. (1) The Central Government may by notification in the official Gazette make rules for carrying out of purpose of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Education is the fulcrum of any society. It is the responsibility of the State to provide quality education to all the citizens. As per the scheme of the Constitution, free education is being imparted at the elementary level. For the higher and technical education, the students and their parents have to strive for arranging of a lot money for payment of coaching fees, college fees and other expenditure to take admission in institutions of higher education. Our higher and technical education system is very expensive and all citizens cannot afford it. The poor parents with meagre incomes are unable to send their children for pursuing higher and technical and medical education.

Students and their parents take education loan for higher studies. The educational loans are given by banks to students for pursuing higher education. However, the policy of providing education loan is defective on many counts. In case of any disability arising due to any reason to students during the course of their study, they are bound to leave their study in the mid way. In such a difficult time, students as well as their parents find themselves in difficult situations to pay off their education loan to banks and outstanding fees to the educational institutions.

At present there is no statutory backing or proper guidelines regarding exempting students and parents from payment of outstanding education loan or education fees in case of untimely death, physical or mental disability of the student due to any reason.

There is need to provide for a mechanism regarding waiving off outstanding education loan and outstanding tuition fee or any other charges in case of untimely death, physical or mental disability of the student due to any reason. It will provide a relief to the affected families in their distressed time when they have become incapable to pay any outstanding education loan or fee due to any reason. There is also need for providing life insurance cover to students who seek education loan for pursuing higher education so that affected families may not face financial difficulties in the event of untimely death of students or other eventuality.

Hence, this Bill.

NEW DELHI;
July 5, 2021.

HASMUKHBHAI SOMABHAI PATEL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for payment of such amount of the outstanding dues of tuition fee or any other fee to the educational institutions in respect of those students who become physically or mentally disabled or have died due to any reason, as may be prescribed. Clause 6 provides for life insurance cover to every student who borrows education loan. Clause 7 provides for payment of such amount of the outstanding dues of education loan to the bank in respect of those students who become physical or mental disabled or died due to any reason. Clause 8 provides that the Central Government shall constitute an Educational Loan Fund for the payment of premium of insurance of student and outstanding dues to educational institutions and banks in case of untimely death, physical disability or mental disability of the student due to any reason. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five hundred crore may be involved from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out of purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

XXVII

BILL NO. 121 OF 2021

A Bill to provide for the setting up of a National Flood Control Board to suggest measures to manage and collrol floods and for matters connected therewith.

WHEREAS entry 56 of Lisi I-Union List of the Seventh Schedule lo the Constitution provides for regulation and development of Inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by Jaw to be expedient in the public interest;

And WHEREAS a lot of havoc is caused by floods every year in almost all parts of the country;

And WHEREAS it is expedient in the public interest to take effective measures for flood control and mangement.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

Short title.	1. This Act may be called the Flood Control and Management Act, 2021.
Setting up of a National Flood Control Board.	2. (1) The Central Government shall set up a Board to be known as the National Flood Control Board (hereinafter referred to as the Board). (2) The head office of the Board shall be at New Delhi.
Composition of the Board.	3. (1) The Board shall consist of— (a) A Chairperson, who shall be an expert dealing with flood control, to be appointed by the Central Government; (b) one representative each from every State Government and Union territory, who shall be expert on flood control measures, to be nominated by the Central Government in such manner as may be prescribed. (2) The salary and allowance payable to and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.
Provision of officers and staff for the Board.	4. The Central Government shall make available to the Board such number of officers and staff as may be required for efficient functioning of the Board.
Functions of the Board.	5. The Board shall— (a) identify the areas which are prone to floods; (b) suggest measures for flood control; (c) prepare a time bound plan for inter-linking of rivers which are prone to floods with the ones which are not so; (d) suggest measures for the development of land in areas which are prone to floods; (e) deploy flood forecasting system in such areas which are prone to floods and warn the inhabitants in those areas to move out to safer places in case floods are forecast in an area; (f) advise the State Governments as to preventive and rehabilitation measures during floods; and (g) advise the State Governments for proper storage of rain water and construction of dams.
Cost to be borne by Central and State Governments.	6. The cost of taking up of the flood control measures as suggested by the Board shall be borne by the Central Government and the State Governments in such ratio, as may be determined by the Board.
Recommendations to the Government.	7. (1) The Board shall make recommendations to the Central Government as to flood control measures. (2) It shall be the duty of the Central Government to implement the recommendations of the Board: Provided that where it is felt necessary that any recommendation cannot be implemented due to any reason, the Central Government may, to be recorded in writing, inform the Board accordingly.
Annual Report.	8. The Board shall prepare every year, in such form as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the land of many great rivers. Floods occur in almost all river basins of the country. The water resources of the country are not being fully utilized in the country. Every year there are floods which cause immense loss of life, animals and property. Whereas in some parts of the country there are floods, there is drought in other parts. The national resources are damaged by floods. This problem needs to be addressed urgently to mitigate the effects of floods in all parts of the country.

There'ore, it is expedient in the public interest to evolve an integrated and scientific approach to the flood control problems and to draw out a national plan fixing priorities for implementation in the future.

The Bill seeks to provide for the setting up of a National Flood Control Board to suggest measures to prevent and control and management of floods in the country.

Hence, this Bill.

NEW DELHI;
July 6, 2021.

ALOK KUMAR SUMAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a National Flood Control Board. Clause 3 provides for the composition of the Board. It further provides for salary and allowances of Chairperson and Members. Clause 4 provides that the Central Government shall provide officers and staff to the Board. Clause 6 provides that the expenditure on flood control measures suggested by the Board shall be borne by the Central Government and State Governments. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees two hundred crore per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of the Bill.

The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

XXVIII

BILL NO. 113 OF 2021

A Bill to provide for special financial assistance to the State of Bihar for overcoming the current agrarian crisis in State caused by the unseasonal rains, hailstorms, deficit rainfall and consistently rising input prices forcing farmers into debt trap; providing relief and loan waivers to farmers, compensation for failed crops, promotion of sustainable farming, rainwater harvesting, creation of grain and fodder banks, skill development, research and development and welfare schemes for farmers, agricultural labourers and other marginalized sections of society in State of Bihar and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance to the State of Bihar (For the Welfare of Farmers) Act, 2021.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Special
Financial
Assistance to
the State of
Bihar for the
welfare of
farmers.

2. (1) Notwithstanding anything contained in any other law for the time being in force, there shall be paid such sums of money out of the Consolidated Fund of India, every year, which shall not be less than eighty thousand crore rupees, as Parliament may by due appropriation by law provide, as special financial assistance to the State of Bihar to meet the cost of such schemes and works aimed at overcoming the ongoing agrarian crises and welfare of farmers, as may be undertaken by the State with the approval of Union Government for carrying out the purposes of this Act.

(2) Without prejudice to generality of the provisions of sub-section (1), the schemes and works to overcome the agrarian crisis may include,—

(i) settling the debt of farmers;

(ii) providing compensation and relief to farmers and agricultural labourers for any damage to crops caused due to rainfall deficit, pest attack, flood, hailstorm or any other natural calamity;

(iii) providing assistance to small and marginal farmers;

(iv) encouraging and providing modern irrigation facilities like drip irrigation and sprinklers to farmers;

(v) promotion of rainwater harvesting and conserving the groundwater;

(vi) promoting less water intensive crops like pigeon pea or tur, urad, mustard, sunflower and jawar bajra;

(vii) promotion of growing fodder and establishing fodder banks;

(viii) establishment of grain banks;

(ix) establishment of warehouses and cold storages;

(x) promotion of research and development for better and inexpensive inputs like seeds, fertilizers and pesticides;

(xi) training of farmers in new crops and new agricultural techniques;

(xii) introducing agricultural education in school curriculum;

(xiii) afforestation of barren and waste land;

(xiv) promoting food processing industries based on local agricultural products;

(xv) providing skill development and training to farmers; and

(xvi) such other provisions as the State Government of Bihar may deem necessary for carrying out the purposes of this Act.

Power to
remove
difficulty.

3. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with provisions of this Act, which appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

Act not in
derogation of
other laws.

4. The provisions of this Act shall be in addition and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

STATEMENT OF OBJECTS AND REASONS

The State of Bihar has been at the forefront of the agricultural production in the country and has been pioneer in country's journey to achieve food security. Hard work of Bihar's farmers has made it the bread basket of the nation. But in last decade, stagnation of growth in agricultural sector has adversely affected the whole State. Farmers, who form the backbone of State's economy have suffered the most, alongwith agricultural labourers who belong to the Dalit and marginalized sections of society. Prices of inputs like seeds, fertilizers, pesticides etc. have skyrocketed in recent years but prices of their agricultural produce have not increased proportionately. This has made farming a non-remunerative and non-viable profession, pushing the farmers into borrowing for day to day expenses, eventually falling in debt trap. Above mentioned problems have been exacerbated in recent years by the unseasonal hailstorm destroying the crops, whitefly attack on crops and impending water crisis as the ground water levels continue to plummet. There has been no worthwhile research in the agricultural universities in Bihar that can help the farmers to mitigate these crises. State has not invested enough to provide modern facilities like drip irrigation, sprinklers that can help farmers improve their productivity. Lack of modern supply chain like cold storage prevents farmers from getting fair price for their produce. There is also a need to promote diversity in agriculture and incentivize farmers to grow new crops that can help them generate additional income. Desertification is another threat that makes hard working farmers of the Bihar vulnerable and the State needs to combat it.

All the above mentioned interventions cannot be implemented without cooperation of farmers, therefore there is an urgent need to train farmers in the newer and productive ways of agriculture and allied activities so that it can generate more income and employment.

Unfortunately, mismanagement of State finances by the Government has resulted in a massive public debt over the State. Through its own ill devised policies, State Government has hamstrung itself and is not able to take up the schemes for welfare of farmers, agricultural labourers and develop agriculture sector in State.

In such a situation, most marginalized and most vulnerable farmers of Bihar, that are the Annadata (food provider) of the nation, need an immediate help from the Union Government to alleviate their distress. The Bill seeks to ensure that appropriate financial resources are allocated to farmers of the State of Bihar which would go a long way in building a more powerful nation.

Hence, this Bill.

NEW DELHI;
July 6, 2021.

ALOK KUMAR SUMAN

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that there shall be paid such sum of money out of the Consolidated Fund of India, every year which shall not be less than eighty thousand crore rupees, as Parliament may by due appropriation provide, as special financial assistance to the State of Bihar to meet the cost of schemes and works aimed at overcoming the ongoing agrarian crises and welfare of farmers in the State. The Bill, therefore, if enacted would involve recurring expenditure of a minimum rupees eighty thousand crore per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

XXIX

BILL NO. 1 OF 2022

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2022. Short title.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in Part VIA.— *Jharkhand*,— Amendment of Schedule.

(i) after entry 7, the following entry shall be inserted, namely:—

"7A. Dandachhatra Majhi"; and

(ii) after entry 16, the following entry shall be inserted, namely:—

"16A. Mal, Malla Kshatriya".

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 341 of the Constitution, the list of Scheduled Castes was first notified in 1950, and thereafter it has been amended, from time to time, on various occasions. The persons belonging to the Scheduled Castes who have migrated to other States are being deprived of benefits of reservation in services in those States, as their caste is not recognized as Scheduled Caste in the States to which they have migrated.

The persons belonging to the Dandachhatra Majhi, Mal and Malla Kshatriya castes are residing in the districts of Bahargoda and Chakulia in the State of Jharkhand, in the districts of Purulia and Midnapur in the State of West Bengal and some of the districts in the State of Odisha. In the States of West Bengal and Odisha, the persons belonging to the abovementioned castes are availing the benefits of reservation as these castes have been included in the list of Scheduled Castes in these States. However, the persons belonging to these castes residing in the State of Jharkhand are in general category and deprived of such facilities. The population of these castes are around fifty thousand in Bahargoda and Chakulia districts in the State of Jharkhand.

The persons belonging to Dandachhatra Majhi, Mal and Malla Kshatriya castes are economically, socially and educationally backward. In order to eliminate the backwardness and for economic, educational and social advancement of persons belonging to this community, affirmative action on the part of the State is required by providing them reservation in services under the State.

The Bill, therefore, seeks to include Dandachhatra Majhi, Mal and Malla Kshatriya castes in the list of the Scheduled Castes in respect of the State of Jharkhand with a view to enable them to avail all benefits, including reservation in services under the State, as are available to persons belonging to the Scheduled Castes.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

NEW DELHI;
December 10, 2021.

BIDYUT BARAN MAHATO

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for including the persons belonging to Mal, Malla Kshatriya and Dandachhatra Majhi castes in the list of Scheduled Castes in respect of the State of Jharkhand. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum will be involved.

No non-recurring expenditure is likely to be involved.

XXX

BILL NO. 2 OF 2022

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2022.

(2) It shall come into force on such a date, as the Central Government may, by notification in the official Gazette, appoint.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XXII.—*Jharkhand*, after entry 32, the following entry shall be inserted, namely:—

Amendment
of the
Schedule.

"33. Kudmi (Mahato).".

STATEMENT OF OBJECTS AND REASONS

Jharkhand is predominantly a Tribal State. It was on account of its tribal identity that the movement for its creation became a success. There are a large number of tribal people known as Kudmi (Mahato), who are living in the State but have not been included in the list of Scheduled Tribes of the State of Jharkhand.

As a result, the persons belonging to the Kurmi/Kudmi tribe are not getting the benefits, which are otherwise available to the Scheduled Tribes in the State. Even before the segregation of the State of Jharkhand from the State of Bihar and since India's Independence, as a result of the oscillating policy adopted by the Government of Jharkhand and the Central Government, the issue of including Kurmi/Kudmi (Mahato) tribes of Chota Nagpur into the list of Scheduled Tribes has been lying pending. The State Government of Jharkhand in the year 2004 recommended to the Central Government for inclusion of Kudmi (Mahato) in the list of the Scheduled Tribes for the reason that in 1913 and in 1931 the said tribes figured in the list of Scheduled Tribes. However, with effect from the year 1950 and the year 1952, this tribe was removed. Reasons for the said removal from the list have not been spelled out. Keeping in mind the demands being raised to include the said tribe into the list of Scheduled Tribes, the Central Government should seriously take a relook about the inclusion of this tribe into the list of Scheduled Tribes.

Nearly about two crore people belonging to Kurmi/Kudmi community are residing in the district of East Singhbhum, Saraikela Karsawan, West Singhbhum, Ranchi, Hazaribagh, Dhanbad, Giridih, Bokaro, Ramgarh, Palamu, Godda, Jamtara of State of Jharkhand; district of Purulia, Bankura, East Midnapur and West Midnapur of State of West Bengal and Mayurbhanj, Kendujhar, Sundergarh districts of State of Odisha. In Jharkhand alone, about twenty seven per cent. of the population belongs to Kurmi/Kudmi (Mahato) tribe which is the single largest population of a particular tribe. In these three States, despite being tribals, they are not getting the facilities meant for the tribals. Their culture, living standards, way of worship, social living are similar to those of the tribals. Most of the people belonging to this tribe reside in forest areas like other tribals. People belonging to these tribe are extremely backward on social, economical and educational aspects. Sale and purchase of land belonging to the tribals is being regulated by the Chota Nagpur Tenancy Act, 1908 in the State of Jharkhand. Sale and purchase of land can be undertaken only among the people of same tribes. Keeping in view, their ways of living, cultural and socio-economic condition, the British had included the Kurmi/Kudmi (Mahato) tribe of Jharkhand Chota Nagpur into the list of tribes. Under a well thought out strategy, the Kurmi/Kudmi (Mahato) was not included in the 1950 and 1952 lists of Scheduled Tribes.

Therefore, the Kurmi/Kudmi (Mahato) tribe must be included in the list of Scheduled Tribes in respect of Jharkhand State.

Hence, this Bill.

NEW DELHI;
December 10, 2021

BIDYUT BARAN MAHATO

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Kudmi (Mahato) community in the list of Scheduled Tribes in respect of the State of Jharkhand. The Bill, therefore, if enacted, would involve additional recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to this tribe under the ongoing Central Schemes meant for development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is expected that a recurring expenditure of about rupees five hundred crore will be involved annually.

No non-recurring expenditure will be involved.

XXXI

BILL NO. 73 OF 2022

A Bill to provide compulsory sensitivity training to students and teachers ertaining to social issues such as caste, gender and overall inclusion in all educational institutions and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Compulsory Sensitivity Training in Educational Institutions Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of State, the Government of that State and in all other cases, the Central Government;

(b) "Board" means the Advisory Board for Sensitivity Training established under section 4;

(c) "curriculum" means the instructional and the educative programme for sensitivity training meant for the students to achieve their goals, ideals and aspirations of life;

(d) "educational institution" means a primary or a middle or a secondary or a senior secondary level school imparting education to children or any college, institute or university imparting higher education recognised or established under an Act of the appropriate Government, by whatever name such institution is called;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "sensitivity training" means the training based on values enshrined in the Constitution including Justice, liberty, equality and fraternity aimed at sensitizing students on gender, caste, religion or any other topic deemed necessary for the promotion of equality and fraternity amongst all citizens of the country to end all forms of discrimination.

3. The appropriate Government shall take appropriate measures to compulsorily impart sensitivity training to students and teachers in all educational institutions within its territorial jurisdiction in such manner as may be prescribed.

Compulsory imparting of sensitivity training to students and teachers.

4. (1) The Central Government shall, by notification in the Official Gazette establish a Board to be known as the Advisory Board for Sensitivity Training for carrying out the purposes of this Act.

Establishment of Advisory Board for Sensitivity Training.

(2) The Board shall consist of,—

(a) one representative each from the Union Ministries of Education, Social Justice and Empowerment and Women and Child Development;

(b) such number of eminent teachers from educational institutions;

(c) one eminent transgender person;

(d) one representative each from the Scheduled Castes, Scheduled Tribes and Other Backward Classes section of the society;

(e) one representative each from major religious communities; and

(f) seven representatives including one female, one male, one transgender person, one student belonging to LGBTQIA community and one student each from the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, to be appointed by the Central Government in such manner as may be prescribed.

(3) The members of the Board shall elect one of the members from amongst themselves to act as the Chairperson of the Board.

(4) The Central Government shall provide such number of officers and employees to the Board as is required for its efficient functioning.

(5) The salaries and allowances payable to and other terms and conditions of service of Chairperson, members, officers and employees of the Board shall be such as may be prescribed.

Functions of
the Board.

5. The Board shall,—

(a) recommend to the appropriate Government, the curriculum for sensitivity training to students;

(b) recommend to the appropriate Government, the certificates to be given to the teachers in sensitivity training after satisfactorily completing the training programme;

(c) conduct routine checks to ensure that sensitivity training is being imparted in educational institutions and submit a roster of reports in this regard to the appropriate Government;

(d) oversee and direct the activities of students under this Act;

(e) suggest punitive measures against teachers contravening the provisions of this Act; and

(f) undertake any other functions as deemed necessary by the appropriate Government.

Marks or
awards not to
be granted for
undertaking
sensitivity
training
programme.

6. Notwithstanding anything contained in this Act, no marks or any award shall be granted to any student or teacher for undertaking sensitivity training:

Provided that the teachers who have been imparted sensitivity training shall be tested periodically and provided certificates upon completing the said training programme satisfactorily in such manner as may be prescribed.

Appropriate
Government
to create a
helpline for
redressal
within
educational
institutions.

7. The appropriate Government shall create a helpline for teachers, students and parents to redress their grievances with regards to issues with the sensitivity training or the curriculum not being imparted in any educational institution.

Appropriate
Government
to take
cognizance of
issues and
take action
against
defaulters.

8. (1) The appropriate Government shall take cognizance of any issue pertaining to the curriculum not being taught properly by teachers or teachers defaulting on teaching the curriculum and any other problem brought to their notice in this regard in such manner as may be prescribed.

(2) The appropriate Government shall take such necessary measures against defaulting teachers within three months of receiving the complaint and not later than six months in the case of extenuating circumstances in such manner as may be prescribed.

Mandatory
sensitivity
training for
teachers.

9. The appropriate Government shall, on the recommendation of the Board, ensure that,—

(a) any person prior to appointment as teacher in any educational institution shall mandatorily complete the sensitivity training programme certified by the Board; and

(b) any person who is already teaching in any educational institution shall mandatorily complete the sensitivity training programme certified by the Board within one year of the commencement of this Act:

Provided that if any person fails to complete the sensitivity training, he shall not be eligible to be appointed as teacher in any educational institution.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central
Government
to provide
fund.

11. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have
overriding
effect.

12. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, 15 for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Both globally and in India, it is agreed upon that equitable access to education for children of all ages is of the utmost importance. This is enshrined in the Sustainable Development Goal 4 of the United Nations Declaration on the 2030 Agenda for Sustainable Development, to which India is a signatory. To quote, it "aims at ensuring inclusive and equitable quality education and promote lifelong learning opportunities for all".

While the availability of school education has certainly increased leaps and bounds over the last few decades, with the force of progressive legislations such as the Right to Education Act, 2009 providing legislative backing, the "inclusivity" and "equitability" leaves much to be desired.

Children from the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the LGBTQIA communities and many others continue to face discrimination in schools even today. Whether it is in the form of prejudice, ill-treatment, or neglect, students from marginalised communities are subjected to this treatment not only from their peers, but also at times, their teachers. This is despite the fact that article 15 of our Constitution guarantees us all the right against discrimination. The Right to Free and Compulsory Education Act, 2009 goes even further and recognises and prohibits discrimination of any form against disadvantaged and economically weaker sections.

This ill-treatment and neglect has far-reaching consequences, and can impact the entire life of a child. Studies have shown that discrimination within schools leads to lower grades, higher drop-out rates, and numerous debilitating mental health issues. This in turn leads to an unbreakable cycle of poverty, leaving some children behind, while others prosper.

Considering that the years of schooling are the most formative time of a child's life, it is imperative that every child is provided not only the simple availability of a school, but also a holistic, nurturing environment to learn, think, and grow, free from discrimination.

Hence, to bring about this goal of zero-discrimination both within the classroom and beyond it, this bill proposes the following two intervention:

(1) mandatory "sensitivity education" to be incorporated into the school curriculum, right from the level of primary education onwards, in order to create awareness amongst our youth about the problems that plague Indian society. The aim of this curriculum is to ensure that our children, our leaders of tomorrow, are equipped with the mindset to treat their fellow countrymen with kindness, a spirit of equality, and a lack of discrimination; and

(2) mandatory "sensitivity training" to be provided to all teachers within the country in order to be officially certified, and for its tenets to be enforced to ensure that no student faces any discrimination.

The sensitivity education which is proposed to be taught to students is in accordance with the United Nations Convention on the Rights of the Child, to which India is a signatory. Firstly, articles 2, 12, 13, 14, 15 and 19 pertain to the Child's rights in education, which include the right to non-discrimination, participation, protection from abuse and violence, and freedom of thought, expression, and religion. Articles 29 and 42 of this Convention pertain to the Child's rights through education, which refers to education where children are able to know and understand their rights and to develop respect for human rights, including their own human rights.

Experts have stated that educational systems do not function in isolation, but are instead in tandem with the society that they exist in. Hence, if our educational institutes do not expose our children to the reality of our society at large, they will be divorced from this reality and hence will not be equipped to deal with it with a sense of empathy and morality. A similar sentiment was echoed by the National Curriculum Framework 2005, set-up by the National Council of Educational Research and Training (NCERT). It stated that: "Hierarchies of caste, economic status and gender relations, cultural diversity as well as the uneven economic development that characterise Indian society also deeply influence access to education and participation of children in school". Hence, it is of the utmost importance for educational institutes to facilitate a dialogue to help children think, learn and even unlearn internalisations of the world they live in.

Additionally, the National Advisory Council in its report titled 'Towards Ending Discrimination in Schools' in 2013, addressed important methods in which effective education on discrimination can be made possible. To sum it up, the Council had some pertinent recommendations, namely:—

(1) stakeholders shall prioritise an environment that openly acknowledges discrimination within the school system at all levels and that they must "initiate steps towards a process of dialogue and discussion on discrimination within schools and in the education system";

(2) teachers are the frontline of the education system, and specific measures towards reform of teacher education must be undertaken to prepare teachers to understand discrimination, to prevent discriminatory behaviour on their part; and to enable them to become partners in the movement to eliminate discriminatory behaviour on part of any other actor in the education system, including by other children, parents, education officers, and others; and

(3) children themselves must engage with the topic of diversity in the process of learning and classrooms must be structured in order to facilitate this.

The core aim of training teachers and facilitating the learning and discussion of students in "sensitivity education" is to ensure that children have a safe, nurturing environment to critically analyse prejudices, problems, and inequalities, equip them with the skills to engage with them equitably and shape them into citizens who not only understand their own rights, but also the rights of others.

While we have numerous legislations, rules, and recommendations from educational bodies condemning discrimination, they will not meet their intended targets until real change is made. Education is a tool of social transformation, and this change can only begin within classrooms.

Hence, this Bill.

NEW DELHI;
January 17, 2022.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides establishment of Advisory Board for Sensitivity Training. It also provides for appointment of Chairperson, members and other officers and employees to the Board. Clause 7 provides for the appropriate Government to create a helpline for teachers, students and parents to redress their grievances with regard to issues with the sensitivity training. Clause 10 provides that the Central Government shall provide requisite funds for carrying out the purposes of the Bill. At this stage, it is not possible to estimate the amount to be incurred.

However, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees fifteen hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XXXII

BILL NO. 125 OF 2022

A Bill further to amend the Protection of Human Rights Act, 1993.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Human Rights (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

10 of 1994.

2. In section 2 of the Protection of Human Rights Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1)—

Amendment
of section 2.

(a) after clause (e) the following clause shall be inserted, namely:—

“(ea) “inquiry” means investigation of complaints relating to human rights violations by the Commission or through any officer or investigation agency of the concerned Government under sections 13, 14, 16, 17 and 18;” and

(b) after clause (m), the following clauses shall be inserted, namely:—

“(ma) “recommendation” means order or direction issued by the Commission to the concerned Government, authority or person; and

(mb) “reparation” means compensation and rehabilitation provided to the victims of human rights violations, determined and quantified based on the principles mentioned under clause (ca) of section 18;”.

Substitution
of new
sections for
section 15.

3. For section 15 of the principal Act, the following sections shall be substituted, namely:—

Statement
made by
persons to the
Commission.

“15. Any statement made by a person in the course of giving evidence before the Commission may subject him to, or be used against him in, civil or criminal proceedings:

Provided that the statement—

(a) is made in reply to the question which he is required by the Commission to answer; or

(b) is relevant to the subject matter of the inquiry; and

Evidentiary
value of
evidence and
statements
produced by
the
Commission.

15A. Any evidence collected and the statements made before the Commission under sections 12, 13, 14, 15, 16, 17 and 18 during the course of investigation into complaints relating to human rights violations shall have evidentiary value and shall be accepted as evidence in any civil or criminal proceedings in the courts, as the case may be.”.

Amendment
of section 18.

4. In section 18 of the principal Act,—

(a) in clause (a), in sub-clause (i) for the words “compensation or damages”, the words “reparation” shall be substituted;

(b) for clause (b), the following clause shall be substituted, namely:—

“(b) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, the Commission may initiate proceedings for prosecution against the concerned person or persons by approaching the Supreme Court or the High Courts and invoking their writ jurisdictions under articles 32 and 226 of the Constitution, respectively;” and

(c) after clause (c) the following clause shall be inserted, namely:—

“(ca) determine the quantum of reparations to be paid to the victims of human rights violations based on the United Nation Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, 2005 which shall be proportional to the gravity of the violation and the harm suffered, including —

(A) compensation to be provided for any economically assessable damage, as appropriate and proportional to the gravity of the violation and the circumstances of each case, including,—

(i) physical or mental harm;

(ii) lost opportunities, including employment, education and social benefits;

(iii) material damages and loss of earnings, including loss of earning potential;

(iv) moral damage;

(v) costs required for legal or expert assistance, medicine and medical services, psychological and social services; and

(B) rehabilitation including medical, psychological, legal and social services”.

5. After section 18 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
18A.

“18A. (1) The Central Government and State Government concerned shall be responsible for the violations of human rights occurring within their jurisdiction and payment of reparation to such victims, as determined under clause (ca) of section 18.

State
Responsibility
and Liability.

(2) The Central Government and State Governments may recover the reparation paid by them to the victims under sub-section (1), from the officers of the concerned Government who had been found responsible for causing the human rights violations in such manner as may be prescribed.”

6. In section 21 of the principal Act, in sub-section (1), for the word “may” the word “shall” shall be substituted.

Amendment
of section 21.

STATEMENT OF OBJECTS AND REASONS

The full bench of the Madras High Court in *Abdul Sathar vs. the Principal Secretary (Tamil Nadu State Government)* on 5th February 2021 ruled that the recommendations made by the State Human Rights Commission (SHRC) under section 18 of the Protection of Human Rights Act, 1993 are binding on the Government or Government authority. The bench observed that the recommendations of SHRC are adjudicatory orders that are legally and immediately enforceable. The bench also recommended the Parliament to make necessary amendments to the Protection of Human Rights Act, 1993, so as to empower the Commissions to directly execute their recommendations.

Section 13 of the Protection of Human Rights Act, 1993 confers upon the National and State level Human Rights Commissions the powers of a civil court during inquiry into human rights violations. As such, all proceedings before the Human Rights Commissions are deemed to be judicial proceedings under section 13 of the Act. But after the Commission completes its investigation and human rights violations are brought to light, the Commission does not have the penal powers to prosecute human rights violations. Section 18 of the Act only provides for the Human Rights Commission to recommend to the concerned Government or the authority to take suitable action against such human rights violators. As a result, the Commission is unable to hold such people and organisations accountable for their acts of human rights violations.

Over the years in various judgments, the Supreme Court and High Courts have lamented that the National and the State Human Rights Commissions have become toothless tigers. The Indian Judiciary has observed that the original intent of the framers of this legislation was to protect and promote human rights, so as, such the recommendations of the Commission are enforceable, binding and ought to be implemented. It held that constructing the word 'recommend' to be treated as opinion or suggestion by the Commission, would defeat the very statutory object of this Human Rights Act. Recognising this lacunae in the legislation and the need to protect the citizens' fundamental rights, this Bill amends recommendation to mean order or directions which will be binding on the authority or Government receiving it.

The Act is silent on the standards to be followed while determining the reparations to be given to the victims of human rights violations. Thus there is no clarity on how the compensation and damages will be quantified. In addition, Section 18(a) of the Act provides only for compensation to be recommended to the concerned Government or authority.

The need is to address this gap by providing principles for determining reparation and measuring damages caused. It is also required to provide for compulsory relief to victims of human rights violations by holding the Central and State Governments responsible and liable for any human rights violations happening under their jurisdictions.

When the Protection of Human Rights Act was brought in 1993, the intent of the legislation was to bring greater accountability and transparency in the system of administration of justice and devise efficient and effective methods of dealing with issues relating to human rights. But by failing to hold people and authorities accountable for their actions of committing or abetting human rights violations, the Act in its current form has failed to achieve this objective.

Hence, this Bill.

NEW DELHI;
July 1, 2022.

SUPRIYA SULE

XXXIII

BILL NO. 161 OF 2022

A Bill to provide for protection to widows and single women and to abolish the practices of widowhood in India and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Rights of Widows and Single Women and Abolishment of Widowhood Practices Act, 2022.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “abandoned widow” means a widow who has been deserted or thrown out of household by her relatives to fend for herself and who has no means to support her and her dependant children, if any;

(b) “appropriate Government” means in the case of a State the Government of that State and in all other cases, the Central Government;

(c) “widow” means a legally married women whose husband has died.

(d) “Board” means the Widows and Single Women’s Rights and Abolishment of Widowhood Practices Board established under section 3;

(e) “distressed” in relation to a widow means any widow who lives uncared for and has become inform due to old age or chronic or incurable disease, physical deformity or mental imbalance and who has no independent and adequate means of livelihood for her and her dependant children, if any;

(f) “prescribed” means prescribed by rules made under this Act; and

(g) “single woman” means an adult female who is either a divorcee, judicially separated from her spouse or has been abandoned by her spouse.

Establishment
of the Widows
and Single
Women’s
Rights and
Abolishment
of Widowhood
Practices
Board.

3. (1) The Central Government, shall, within six months from the commencement of this Act, by notification in the Official Gazette, establish a Board to be known as the Widows and Single Women’s Rights and Abolishment of Widowhood Practices Board for carrying out the purposes of this Act.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The headquarter of the Board shall be at Mumbai in the State of Maharashtra and the Board shall establish its branches in all other States and Union territories at conspicuous places as the Board may deem fit and necessary.

Composition
of the Board.

4. (1) The Board shall consist of —

(a) the Chairperson, *ex-officio*, who shall be Minister in-charge of the Union Ministry of Women and Child Development.

(b) a Vice-Chairperson, preferably a widow or a single woman with such qualifications and experience, as may be prescribed, to be appointed by the Central Government;

(c) ten women Members five each from the House of the People and the Council of States to be nominated by the respective Presiding Officers of respected Houses;

(d) two officers not below the rank of Joint Secretary in the Union Ministry dealing with the administration of this Act to be appointed by the Central Government;

(e) not more than eight members to be appointed by the Central Government in consultation with the Governments of the States, by rotation in alphabetical order, to represent the Governments of the States;

(f) three members from amongst the Non-Government Organizations working for the welfare of widows and single women to be appointed by the Central Government in such manner as may be prescribed; and

(g) six members representing Union Ministries of Women and Child Development, Home Affairs, Education, Health and Family Welfare, Finance and Social Justice and Empowerment to be appointed by the Central Government.

(2) The Board shall follow such procedure in discharge of its agenda and hold meetings in such manner as may be prescribed.

(3) The Board shall consist of a Chairperson and such other members to be appointed by the Central Government in such manner as may be prescribed.

(4) The salary and allowances payable to, and other terms and conditions of service of the Vice-Chairperson and other members shall be such as may be prescribed.

5. (1) Notwithstanding anything contrary contained in any other law for the time being in force, the Board shall promote and implement such protective and welfare measures as it thinks appropriate, including rehabilitation for the distressed widows and single women who are in dire need of such measures.

Functions of
the Board.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall,—

(a) conduct a survey to ascertain the number of widows and single women across the country;

(b) maintain district-wise register of the widows and single women with such particulars and in such manner as may be prescribed;

(c) collect and get verified the antecedents of every widow and single woman covered under this Act to assess her need for assistance in such manner as may be prescribed;

(d) work out plans and formulate schemes for the overall welfare and rehabilitation of abandoned, disowned or distressed widows and single women covered under this Act;

(e) give wide publicity through electronic and print media about the welfare and rehabilitation measures being undertaken by the Board to enable the women covered under this Act to avail them; and

(f) perform such other functions as may be assigned to it from time to time.

6. (1) On the recommendation of the Board or otherwise, the appropriate Government shall provide the widows covered under this Act, the following facilities, namely:—

Facilities to
be provided to
widows and
single women.

(a) subsistence allowance of rupees ten thousand per month in case the widow is infirm and destitute or is having one or more dependant children or rupees five thousand per month in case she has not dependant child;

(b) residential accommodation free of cost wherever necessary;

(c) free education including technical education to the dependant children of the widows;

(d) gainful employment as per the physical condition after imparting vocational training wherever possible;

(e) free medical care with medicines and with indoor and outdoor facilities as may be required;

(f) financial assistance for rehabilitation like self-employment wherever required;

(g) free legal aid in case the widow has been thrown out or abandoned by her kith and kin; and

(h) such other facilities, as may be necessary for the rehabilitation, welfare, proper development, regaining her lost status in the family and for maintaining a respectable life in the society:

Provided that if a widow covered under this Act gets gainful employment or remarries, the facilities provided to her under this Act shall stand withdrawn from the date such widow gets employment or remarries, as the case may be:

Provided further that a widow residing with her in-laws or parents according to custom or due to other circumstances shall not be denied the facilities under this Act on this ground.

(2) The costs incurred by the appropriate Government on providing the facilities under this Act to the widows covered under this Act shall be defrayed from the Rehabilitation and Welfare Fund established under section 7.

Establishment
of the
National
Distressed
Widows and
Single Women
Rehabilitation
and Welfare
Fund.

7. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the National Distressed Widows and Single Women Rehabilitation and Welfare Fund with an initial corpus of rupees fifty thousand crores for carrying out the purposes of this Act.

(2) The Fund shall be administered by the Board in such manner as may be prescribed.

(3) The Fund established under sub-section (1) shall consist of all receipts from—

(a) the Central Government and Governments of the States and Union territories and their institutions and organisations;

(b) body corporates, both public and private sector and Banks and financial institutions both domestic and foreign; and

(c) individuals, associations and others in the form of contributions or donations.

Protective
provisions.

8. Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow or single woman covered under this Act shall,—

(a) not be evicted or thrown out of the house of the in-laws or parents, as the case may be or where such widow or single woman was last residing;

(b) be entitled to inherit the property or her share of jointly owned property from her in-laws or parents, as the case may be; or

(c) be entitled for maintenance from her in-laws or kith or kin who neglect or abandon the widow or single woman, as the case may be.

Additional
Protective
Provisions.

9. Notwithstanding anything contained in any other law, for the time being in force or in any custom prevalent any widow or single woman covered under this Act shall not be subjected to,—

(a) the wiping of her kumkum;

(b) snatching away of her mangalsutra;

(c) forcibly banging her hands in order to break her bangles;

(d) being banned from participating in festivals, marriages, or any christening ceremonies etc;

(e) being banned from wearing colourful clothes; and

(f) any other such acts by society which perpetuate the practices of widowhood.

10. (1) The appropriate Government shall, by notification in the Official Gazette, set up a monitoring committee at the local level to ensure that regressive widowhood practices are not being perpetuated in the country.

Setting up of Monitoring Committee at a Local Level.

(2) the monitoring committee set up under sub-section (1) shall in the country have fifty per cent. women as members of which half of them shall be widows and single women.

(3) the monitoring committee shall ensure that widows and single women are not being subjected to discriminatory practices, and are provided aid in the case she is being subjected to discriminatory practices in such manner as may be prescribed.

11. The Appropriate Government shall take all measures to ensure that,—

Awareness Provisions.

(a) the provisions of this Act are given wide publicity through public media, including television, radio, print and online media at regular intervals;

(b) the provisions of this Act are disseminated and displayed in public areas in an accessible manner; and

(c) the provisions to reduce the stigma associated with widowhood are implemented in an effective manner;

12. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide fund.

13. The provisions of this Act and of any rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to hve Overriding Effect.

14. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that they should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

According to the United Nations, India is home to approximately 42 million widows. In addition to this, India is also home to 2.3 million abandoned or separated women, according to the 2011 Census. Widows specifically, are subjected to discrimination and regressive customs after the deaths of their husbands, such as ostracism, being banned from social and religious events, etc. However, both widows and single women often bear the same brunt of economic exclusion. These practices include being evicted from the home of their in-laws, being barred from receiving their share of inheritance, being kept away from jointly owned property, and being denied any form of maintenance.

Owing to the aforementioned practices, it becomes extremely difficult for widows and single women to eke out a living following the death or abandonment of their husbands. Not only are they often left without a home, but they are also left without a means to support themselves and their children. In many cases, since the widow or single woman was completely financially dependent on the husband and the in-laws, it is extremely difficult for them to find gainful employment. This existing ecosystem of neglect leads to millions of widows and single women being pushed into poverty, unable to guarantee a healthy life for themselves, and for their dependant children.

As a Welfare State, it is imperative for India to safeguard the rights of these women, and to work towards a more equitable, accepting, and progressive society for them. It is necessary that an authority is created to ensure that the financial needs, housing needs, employment needs, and educational needs of destitute, ailing, and abandoned widows and single women are taken care of. In addition to this, the authority must take concerted steps in order to eliminate the regressive practices of widowhood through educational social change.

Hence, this Bill.

NEW DELHI;
July 1, 2022.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Board for Widows and Single Women's Rights and Abolishment of Widowhood Practices. Clause 4 provides for the composition of the Board. Clause 6 provides for facilities to be provided to widows and single women. Clause 7 provides for establishment of National Distressed Widows and Single Women Rehabilitation and Welfare Fund. Clause 10 provides for setting up of a Monitoring Committee at local level. Clause 11 provides that the appropriate Government shall take all measures for wide publicity of the provisions of the Act. Clause 12 provides that Central Government shall provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one thousand crore approximately is likely to be involved.

A non-recurring expenditure of rupees fifteen hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

XXXIV

BILL NO. 70 OF 2022

A Bill to provide for the constitution of a Board for the conservation of archaeological and natural heritage and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Conservation and Maintenance of Archaeological and Natural Heritage Act, 2022.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) 'Board' means the Archaeological and Natural Heritage Conservation and Maintenance Board constituted under section 3;

(b) 'Convention' means the United Nations Educational, Scientific and Archaeological Organization Convention concerning the Protection of the World 5 Archaeological and Natural Heritage held in Paris in 1972 and ratified by India in 1977;

(c) 'archaeological heritage' includes the following:—

(i) 'ancient monument' and 'archaeological sites and remains' defined in clauses (a) and (d), respectively, of section 2 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958;

24 of 1958.

(ii) monuments, that is to say, architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwelling and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

(iii) groups of buildings, groups of separate or connected buildings which, because of their architecture, homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

(iv) sites, that is to say, works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view;

(d) "natural heritage" includes,—

(i) natural sites or precisely delineated natural areas which are of outstanding value from the point of view of science, conservation or natural beauty;

(ii) geological and physiographical formations and precisely delineated area which constitute the habitat of threatened species of animals and plants and are of outstanding value from the point of view of science or conservation;

(iii) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding value from the aesthetic or scientific point of view; and

(e) "prescribed" means prescribed by rules made under this Act.

(2) The words and expressions used in this Act but not defined herein and defined in the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or the Indian Penal Code, 1860 or the Code of Criminal Procedure, 1973 shall have the same meaning, respectively, assigned to them in those Acts.

24 of 1958.

45 of 1860.

2 of 1974.

Constitution of the Archaeological and Natural Heritage Conservation Board.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Board to be known as the Archaeological and Natural Heritage Conservation and Maintenance Board for carrying out the purposes of this Act.

(2) The Board shall consist of,

(a) a Chairperson to be appointed by the Central Government, from amongst the persons having such knowledge and experience, as may be prescribed;

(b) the Members of the House of the People having archaeological heritage or natural heritage in their constituencies;

(c) five Members of the Council of States to be nominated by the Presiding Officer of the House; and

(d) ten other members to be appointed by the Central Government from amongst the persons who have knowledge and experience in the field of archaeology, history, architecture, conservation, science and technology, environment science, town and country planning or public administration:

Provided that the Chairperson and the members of the Board shall be appointed in consultation with the Leaders of Opposition of both the Houses of Parliament.

(3) The Chairperson and every member of the Board shall hold office for a period of five years from the date on which he enters upon his office.

(4) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and the members of the Board shall be such as may be prescribed.

(5) The terms and conditions of the office, including the method of filling casual vacancies in the Board, and the procedure for removal or disqualification of the Chairperson or a member of the Board, shall be such as the Central Government may, by notification in the Official Gazette, specify.

(6) The Board may, with the approval of the Central Government, make regulations for regulating its own procedure.

(7) The Board shall have a Secretariat consisting of such number of officers and employees as may be prescribed.

(8) The salary and allowances payable to, and the other terms and conditions of service of, the officers and employees of the secretariat shall be such as may be prescribed.

4. The Board shall—

Functions of
the Board.

(i) monitor the implementation of obligations under the Convention and issue such directions as it may consider necessary and expedient for the effective implementation of such obligations;

(ii) advise to the Central Government on identification, safe-keeping, conservation and preservation of Archaeological heritage and natural heritage;

(iii) issue such directions as it considers necessary to ensure safety, security, conservation and management of archaeological heritage and natural heritage;

(iv) cause or undertake an inquiry and initiate legal action in consultation with the Central Government, in case of offences relating to archaeological heritage and natural heritage sites;

(v) take such measures as it may consider necessary for implementation of the provisions of this Act; and

(vi) undertake such other functions as may be assigned to it by the Central Government for carrying out the purposes of this Act.

Offences.	<p>5. Whoever—</p> <p>(i) damages or causes any damage to archaeological heritage or natural heritage</p> <p>(ii) indulges in any propaganda with the intention of causing any damage to as archaeological heritage or natural heritage site; or</p> <p>(iii) commits or omits to commit any act in relation to Archaeological heritage or natural heritage sites, which is an offence under any other law for the time being in force;</p> <p>shall be guilty of committing an offence punishable under this Act.</p>
Punishment.	<p>6. Any person who commits any offence under section 5 shall be punishable with rigorous imprisonment for a term which may extend to five years, or with fine, which may extend to one lakh rupees, or with both.</p>
Proceedings after the expiry of the period of limitation.	<p>7. Notwithstanding anything contained in any other law for the time being in force, proceedings of committing an offence under this Act may be instituted after the expiry of the period of limitation.</p>
An offence under the Act to be a cognizable offence.	<p>8. Notwithstanding anything contained in any other law for the time being in force, an offence punishable under this Act shall be a cognizable offence.</p>
Every person holding a civil post to assist the Board.	<p>9. It shall be the duty of every person holding a civil post in connection with the affairs of the Union or a State to assist the Board in discharge of its functions.</p>
Act to have overriding effect.	<p>10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.</p>
Provisions of the Act to be in addition to other laws.	<p>11. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.</p>
Annual Report.	<p>12. (1) The Board shall prepare an annual report, in such form and manner, as may be prescribed.</p> <p>(2) The Board shall submit the annual report to the Central Government in such manner as may be prescribed.</p> <p>(3) The annual report shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament:</p> <p>Provided that the Board may also submit interim report or reports to the Central Government, which shall cause the report to be laid, as soon as may be after it is received, before each House of Parliament.</p>
Power to make rules.	<p>13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>

STATEMENT OF OBJECTS AND REASONS

India has a rich stock of natural and Archaeological heritage. Our heritage provides clues to our past and how our society has evolved. It helps use examine our history and traditions and enables us develop and awareness about ourselves. It helps us understand and explain why we are the way we are. Heritage is a keystone of our culture that plays an important role in our society, business and world view. It informs influences and inspires public debate and policy both directly and indirectly. Maintaining and conserving our both natural and archaeological heritage provides a basis for local economic development and innovation in tourism, agriculture, entertainment, education and business generally.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) in its 17th General Assembly meeting on 16th November, 1972 adopted a Convention relating to the conservation of World Archaeological and Natural Heritage. India has ratified this convention on 14th November, 1977. Hence, it is in our own interest to implement this convention and enact a law to give effect to the provisions of the Convention. For the conservation of Archaeological heritage, a suitable mechanism for vigilance and monitoring is needed. These purposes would be better served if a Board to be known as the Archaeological and Natural Heritage Conservation Board is set up to work as a watchdog agency for the conservation, upkeep and maintenance of the Archaeological heritage and natural heritage sites in the country.

The terms 'archaeological heritage' and 'natural heritage' have been given a very comprehensive meaning to include all Archaeological and natural heritage, provided for in the Convention and the terms also cover the ancient monuments and archaeological sites and remains defined in the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

Our archaeological and natural heritage sites are vulnerable even now. We all know that people who visit such sites are not sensitive enough to try and keep such sites well maintained. It is a common practice to deface our monuments by inscribing names on them. There have also been other cases of vandalism against our archaeological and natural heritage sites. Keeping in view the increasing number of crimes against such sites, there is a need to provide for punitive action for such crimes.

The national and State level authorities only hold a limited number of heritage sites under their jurisdiction and conservation efforts. Lack of required manpower is a major hindrance to ensure the long-term survival of heritage sites which are under the jurisdiction of the national and State authorities. The private sector in India is involved only in the aesthetic maintenances of the heritage sites. Post-disaster management work of heritage sites is done in terms of general repairs and is usually for specific purposes. Importance should be given to pre-disaster management of the heritage sites.

Since India's stock of heritage sites is large, adequate and skilled manpower is lacking to address the conservation issues at hand. Efforts should be made to include the maximum number of heritage sites to the list of protected monuments in the country. For this purpose, identification of potential heritage sites needs to be undertaken. Since conserving the monuments requires paramount expertise, which can be developed through field experience, newer talent should be encouraged to be a part of the conservation projects.

Hence, this Bill.

NEW DELHI;
January 17, 2022.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Archaeological and Natural Heritage Conservation and Maintenance Board for the conservation of the archaeological sites in the country. It also provides for salaries and allowances of the officers and employees of the secretariat of the Board. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees three hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Board to make regulations for regulating its own procedure. Clause 13 empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters in respect of which rules and regulations may be made are matters of administrative detail and procedure and, as such, the delegation of legislative power is of a normal character.

XXXV

BILL NO. 32 OF 2022

A Bill to provide for promotion of use of ocean thermal energy to produce clean environment friendly renewable energy at all times and substitute traditional electricity generation methods of fossil fuel burning and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Ocean Thermal Energy Utilization Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Authority" means the National Ocean Thermal Energy Utilization Authority of India constituted under section 3;

(c) "Ocean Thermal Energy Utilisation (OTEU)" is a process used for production of electricity by using the temperature difference between deep ocean water and warm tropical surface water and utilization thereof of such electricity; and

(d) "prescribed" means prescribed by rules made under this Act.

Establishment
of National
Ocean
Thermal
Energy
Authority of
India.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be called the National Ocean Thermal Energy Utilisation Authority of India for carrying out the purposes of this Act.

(2) The head office of the Authority shall be at New Delhi and the Authority may establish offices at other places in the country as it may deem necessary for carrying out the purposes of this Act.

(3) The Authority shall consist of the following members who shall be appointed by the Central Government, namely:-

(a) a Chairperson, who shall be an expert scientist having adequate knowledge and professional experience in the field of OTEU technology;

(b) one Deputy Chairperson with such qualifications as may be prescribed;

(c) five members of Parliament of whom three shall be from the House of the People and two from the Council of the States to be nominated by the respective Presiding Officers of the House concerned;

(d) five members to represent the Union Ministries of Environment, Forests and Climate Change, Science and Technology, New and Renewable Energy, Planning and Financial, respectively;

(e) four members to represent the non-Governmental Organisations working for the protection of environment and promotion of ocean thermal energy in the country; and

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order.

(4) The salary and allowances payable to, and other terms and conditions of service of office of the Chairperson, Deputy Chairperson and members of the Authority and the procedure to be followed in the discharge of the functions of the Authority shall be such, as may be prescribed.

(5) The Authority shall have a secretariat with such officers and members of staff and with such terms and conditions of services as may be prescribed, from time to time.

4. (1) Subject to any guidelines issued by the Central Government under the provisions of this Act, the Authority shall perform and undertake such special steps in close coordination with concerned Ministries, Departments and Public Sector Enterprise of the Central and State Governments for the rapid and accelerated promotion and development of ocean thermal energy throughout the country as it may deem necessary and expedient to do so for the promotion of ocean thermal energy conversion.

Functions of
the Authority.

(2) Without prejudice to the generality of the foregoing provisions, the Authority shall,—

(a) formulate ocean thermal energy conversion and utilisation policy, its goals and execution plan;

(b) develop indicative standards of ocean thermal energy conversion and utilization;

(c) support and encourage research and development through Government and private sector participation involving all major Research laboratories;

(d) facilitate infrastructure development of ocean thermal energy conversion in coastal areas;

(e) suggest educational and other policy initiatives for ocean thermal energy conversion and utilization;

(f) facilitate quick technology transfer and adoption of ocean thermal energy conversion and utilization; and

(g) such other steps as the appropriate Government may deem necessary.

5. (1) Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall in consultation with the Authority make it compulsory for every coastal city or villages including Government establishments to,—

Miscellaneous
Provisions.

(a) use the OTEU technology to electrify in all coastal buildings, homes and villages;

(b) make it mandatory for electricity utilities purchase electricity from ocean thermal energy sources;

(c) reserve adequate resources for setting up of ocean thermal energy conversion projects; and

(d) such other steps as the appropriate Government may deem necessary.

(2) The appropriate Government shall, as soon as may be, identify the exploitable sources of ocean thermal energy in their respective territorial jurisdictions and send project report, thereon to the Authority which shall depute a team of experts to verify and assess the possibility of exploiting ocean thermal energy sources.

(3) The Authority shall on the basis of the report submitted by the team of experts work out the estimated expenditure on the project and 5 recommend the Central Government for implementation of the projects.

Central Government to provide funds.

6. The Central Government shall, after due appropriation made by Government to Parliament by law in this behalf, pay to the Authority in each financial year such sums as may be considered necessary and adequate for the performance of the functions of the Authority under this Act.

Annual Report.

7. The Authority shall prepare once in every calendar year in such form and at such time as may be prescribed in an Annual Report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the President of India who shall cause the same to be laid before both the Houses of Parliament.

Power to remove difficulties.

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made the expiry of the period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall as soon as may be after it is made, be laid before both the Houses of Parliament.

Power to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. 25

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the sessions immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule of both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our fossil fuel reserves are depleting with every passing day. Our country and government institutions are striving to find and use sustainable sources of renewal energy. Our country has promoted use of solar energy and wind energy. But both these sources have their own limitation. Solar energy cannot be converted into lights and electricity from wind energy can only be created in windy season. In other seasons, its creation is expensive.

In India's perspective, there is tremendous scope for harnessing the energy from the ocean as India has a long coastline of about 7500 km and have 9 coastal States Gujarat, Maharashtra, Kerala, Karnataka, Andhra Pradesh, Tamil Nadu, Goa, Odisha and West Bengal, two Union Territories Daman and Diu and Puducherry and two island territories i.e. Andaman and Nicobar Islands and Lakshadweep islands. Many of these States are facing clean drinking water and electricity crisis.

Ocean Thermal Energy Utilization (OTEU) is more than just a technology use that produces clean energy but also produce clean drinking water as by product. With OTEU, the goal is to create a sustainable future using the world's most abundant resource - our oceans.

Our oceans are abundant source of salty water and energy. By utilising ocean's thermal resource, this technology aims to produce clean energy 24 hours a day, 7 days a week. This provides a great advantage over intermittent (albeit important) renewable technologies such as solar and wind.

OTEU also can shrug off the storage problems that are often associated with clean energy. Due to its ability to produce a range of secondary services, the surplus energy generated by an OTEU plant can be diverted to power desalination plants (removing salt and other minerals to produce drinking water). This flexibility ensures that OTEU-produced energy never goes to waste. Another major competitive benefit of OTEU is its range of secondary services. Besides producing electricity and fresh drinking water, OTEU can support agriculture and aquaculture industries, reducing local demand on water supplies. It can also slash costs of air conditioning in tropical regions. By using the temperature differential between warm ocean surface water and cold deep water as a renewable energy source, OTEU can generate two of humanity's most fundamental needs-clean drinking water and renewable base load (24/7) energy. Each OTEU plant is capable of producing voluminous amounts of drinkable water (a 10-MW OTEU plant can produce as much as 75 million litres of fresh drinking water a day). Thus, the technology holds great potential for meeting global domestic and agricultural fresh water demands both now and in the future. More than 70% of the earth's surface is covered by water, and over 80% of the sun's energy is stored within surface waters-the equivalent of 4,000 times the energy used in the world per day. In just one 24-hour period, tropical ocean water absorb solar radiation equal to the energy produced by 250 billion barrels of oil.

OTEU's ability to help reduce our dependence on fossil fuels -one of the largest human induced contributors to climate change - is enormous. Just one 10-MW OTEU plant has been estimated to provide reliable clean energy for approximately 10,000 people and to replace the burning of 50,000 barrels of oil and release of 80,000 tonnes of carbon dioxide (CO₂) per year into the atmosphere. OTEU plants therefore may play a huge role in helping global communities fight pollution-related climate change.

OTEU can also use deep water as a cooling agent for environmentally friendly air conditioning, a system known as Seawater Air Conditioning (SWAC). To replace traditional electric chillers and chemicals for cooling buildings, OTEU plants use cold water from deep oceans and lakes. Their installation into airports, medical centres and holiday resorts can reduce electricity usage by up to 90% compared to conventional systems, offering enormous reductions in carbon emissions.

The combination addresses existing global factors that could precipitate a humanitarian crisis: the growing global need for potable water, the lack of available freshwater sources, the increased concentration of populations in coastal regions, and rising energy prices. Keeping all the benefits in view, China has recently installed world's largest floating OTEU plant in its southern Chinese high seas. Many countries are already in ways to install OTEU plants.

Hence, this Bill.

NEW DELHI;
January 17, 2022.

SHRIRANG APPA BARNE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the National Ocean Thermal Energy Utilisation Authority of India. Clause 5 makes it compulsory for every Central Government establishment to take measures for using ocean thermal energy by carrying out appropriate changes. Clause 6 of the Bill makes it obligatory for the Central Government to provide necessary funds for the purpose of the Act. The Bill, therefore, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees One thousand crore may be involved as recurring expenditure per annum.

Non recurring expenditure to the tune of rupees three hundred crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

XXXVI

BILL NO. 76 OF 2022

A Bill to provide special financial assistance to the State Government of Madhya Pradesh to meet the expense of development and rejuvenation of water bodies in the forest areas and for matters connected therewith in the State of Madhya Pradesh.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Financial Assistance for Development and Rejuvenation of Water Bodies in Forest Areas in the State of Madhya Pradesh Act, 2022.

Short title,
extent and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "aquatic ecosystem" means all organic and inorganic matter and all living organisms living in or located in or on water or the beds or shores of a water body;

(b) "drain" includes gutters, wastewater canals, sewers and all outlets or flow of waste water including overflow of rainwater;

(c) "forest area" means any district where more than thirty-three per cent of the total geographical area is covered by forests and has been declared as the forest area by the State Government of the Madhya Pradesh or the Central Government, as the case may be, for the purpose of this Act; and

(d) "groundwater" means all water under the surface of the ground, whether in solid or liquid form;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "water body" means any body of flowing or standing water, whether natural or artificial and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, tank, well, pond and wetland.

State
Governments
to forward the
details to the
Central
Government.

3. (1) The State Government of Madhya Pradesh shall forward the details of the required infrastructure and the estimated cost of the water bodies project of the forest areas falling in the State.

(2) The Central Government, shall on receipt of details, provide funds to the State Government for the development of water bodies in the forest areas in such manner as may be prescribed.

(3) The funds provided under sub-section (2) shall be utilised for,—

(a) expeditious completion of ongoing water bodies projects in forest areas;

(b) construction of small ponds for the use of animals in the forest areas;

(c) digging wells and bore wells in the forest areas;

(d) installing electric pumps for pumping water in the forest areas;

(e) meeting costs incurred on implementing the "Water Bodies Rejuvenation Scheme" based on the water resources of the forest areas;

(f) renovation of old ponds and water reservoirs in forest areas; and

(g) construction of canals.

(4) The State Government of Madhya Pradesh shall furnish the details of expenditure likely to be incurred on the water bodies development works in forest areas to the Central Government in such manner and in such times as may be prescribed:

Provided that if the State Government of Madhya Pradesh fails to utilise the funds for the purpose it was released or fails to produce the details under sub-section (4), the Central Government shall withhold sanction of funds to the State Government.

4. The State Government of Madhya Pradesh shall, before forwarding the details to Central Government under section 3, make the regulation for the purpose of-

Power of State Governments to make regulations.

- (a) designating any area as forest area;
- (b) designating any area as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source;
- (c) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;
- (d) improving the drainage and sewerage system;
- (e) ensuring clear separation between sewerage or waste water and sources of clean water to avoid contamination; and
- (f) ensuring quick absorption or clear flow of rain water and sources of clean water to avoid contamination.

5. The State Government of Madhya Pradesh shall, before forwarding the details to the Central Government under section 3, take into consideration the scientific, intrinsic and other information relating to-

State Government of Madhya Pradesh to consider the scientific, intrinsic and other information relating to water bodies.

- (a) the physical characteristics of land in the area, including its topography and soil types;
- (b) the ability of the soil or water in the area to assimilate nutrient and other pollutants;
- (c) water bodies or groundwater in the area, including information relating to-
 - (i) the quality characteristics of the water;
 - (ii) the susceptibility of water to contamination or adverse changes in level; and
 - (iii) the extent to which the water is undistributed by human activity;
- (d) the area's aquatic eco-systems;
- (e) whether the area contains a source or a potential source, of drinking water;
- (f) whether the area supports species that are sensitive to alterations in water quality resulting from human activity;
- (g) whether the area provides habitat for endangered species; and
- (h) the perception of farmers and native inhabitants of the area regarding quality, quantity and prospects of water in a particular zone including-
 - (i) the possibilities of flood and/or water logging; and
 - (ii) any other matter which the Government consider relevant.

6. The Central Government shall render scientific and technical advice and assistance to the State Government of Madhya Pradesh if so required to achieve the purposes of this Act.

Central Government to render scientific and technical advice.

7. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to the State Government of Madhya Pradesh for protection of water bodies and for promotion of rain harvesting and watershed management programmes.

Central Government to provide financial assistance to State Government of Madhya Pradesh.

(2) The Central Government before releasing the money shall ensure that State Government has complied with the provisions of this Act.

Power to
make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There is growing global recognition that forest conservation efforts, most importantly the local, natural and biodiversity-rich forests, yield better water, food and nutrition security by tackling 'development and climate induced' disaster in various ways. It is argued that approximately seventy-five per cent. of the world's accessible fresh water for agricultural, domestic, urban, industrial and environmental uses comes from forests. However, changes in climate and land-use are contributing to altered groundwater and base flows locally, and precipitation regionally, with approximately eighty per cent. of the world population facing water insecurity, the management of forests for water is increasingly important.

The Forest (Conservation) Act, 1980 has put some restrictions on the use of forest land for non-forest purposes. Due to this, water bodies and other development activities cannot be undertaken in the forest areas. It is neither justified nor appropriate to deprive the people who have been living in forest areas since time immemorial from getting facilities for their upliftment. A large number of proposals relating to water bodies and development of water bodies in the forest areas are pending approval in the Ministry concerned. Due to lack of water bodies species living in the forest areas have to depend on rain despite having the water reservoirs. Due to non-availability of water bodies, the ecosystem of forest areas is degrading which compels them to live in the verge of extinction.

The State Government do not have sufficient funds for the development of water bodies projects in the forest areas. The Bill, therefore, seeks to provide financial assistance to meet the expense of development and rejuvenation of water bodies in the forest areas and for matters connected therewith in State of Madhya Pradesh.

Hence, this Bill.

NEW DELHI;
January 31, 2022.

SUDHEER GUPTA

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rendering of scientific and technical advice and assistance to the State Government of Madhya Pradesh. Clause 7 provides for financial assistance to the State Government of Madhya Pradesh for development, rejuvenation and protection of water bodies etc.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. As the sums of moneys which will be given to the State of Madhya Pradesh as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government of Madhya Pradesh with the approval of Government of India as identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides for the State Government of Madhya Pradesh to make regulations for the purpose of designating any area as forest area, etc. Clause 8 empowers the Central Government to make rules for carrying out the purpose of this Act. As the regulations and rules will relate to matters of detail only, the delegation, therefore, is of a normal character.

XXXVII

BILL NO. 45 OF 2022

A Bill to provide for controlling the population of the country and for establishment of National Population Control Committee and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Population Control Act, 2022.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "Committee" means the National Population Control Committee established under section 3; and

(b) "family" means mother, father and two or less than two children; and

(c) "prescribed" means prescribed by the rules made under this Act.

CHAPTER II

NATIONAL POPULATION CONTROL AND PUBLIC WELFARE COMMITTEE

Establishment
of the
National
Population
Control
Committee.

3. (1) The Central Government shall, with effect from such date as it may, by notification, specify, establish a Committee to be known as the National Population Control Committee.

(2) The headquarters of the Committee shall be at New Delhi.

(3) The Committee shall consist of—

(a) the Union Minister of Planning, Chairperson, ex-officio;

(b) the Planning Ministers of all the States Members; and

(c) Secretaries of the Union Ministries of Planning, Health and Family Welfare, Statistics and Programme Implementation, Women and Child Development and Social Justice and Empowerment-Members, ex-officio.

(4) The Central Government shall appoint such number of officers and employees as it may consider necessary for the working of the Committee.

(5) The salaries and allowances to be paid and other terms and conditions of service of the officers and employees of the Committee shall be such as may be prescribed.

(6) The Committee shall follow such method for the conduct of its meetings and the quorum of such meetings shall be such, as may be prescribed. 25

CHAPTER III

FUNCTIONS OF THE COMMITTEE

Functions of
the
Committee.

4. The Committee shall,—

(a) formulate and implement a National Policy on two-child norm and review the policy every five years;

(b) organise workshops and awareness programmes regarding population control;

(c) formulate plans regarding contraception and sterilization and other family planning measures and organize counselling sessions for couples with the aid of district administration;

(d) ensure appointment of a Nodal Officer for family planning in every hospital from amongst the existing management in Government and private hospitals; and

(e) perform such other functions for carrying out the purposes of this Act, as may be prescribed.

CHAPTER IV

INCENTIVES AND DISINCENTIVES

5. Every married couple, having two or less than two living children, shall be entitled to the following incentives by the Central Government:—

(a) free treatment for the whole family in Government Primary Health Centres;

(b) if either of the married couple is a Government servant, then priority in promotion; and

(c) scholarship for higher education to the children.

Incentives for the married couples with two or less than two living children.

6. If a married couple, having more than two living children at the commencement of this Act, procreates another living child one year after the commencement of this Act, then both the husband and the wife shall not be entitled to,—

(a) contest elections to Houses of Parliament, State Legislature, Panchayat and Municipal Corporation;

(b) exercise franchise right;

(c) benefits of Government schemes;

(d) Government jobs;

(e) benefits of Government scholarship or fellowship; and

(f) be engaged either directly or indirectly to a Government institution.

Disincentives for the married couples with more than two living children.

CHAPTER V

MISCELLANEOUS

7. The Committee shall prepare, in such form as may be prescribed, for each financial year an annual report giving an account of the activities undertaken during the previous financial year and submit a copy of that report to the Central Government.

Annual Report.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee every year for carrying out the purposes of this Act.

Central Government to provide funds.

9. The provisions of this Act shall apply notwithstanding anything contained in any other law for the time being in force.

Act to have overriding effect.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The population of India is the second largest in the world after the China. The population of the country has exceeded 130 crore and according to the United Nations, by the year 2027, the population of India will exceed that of China and India will become the most populous country in the world.

As the resources of the country are limited due to the population explosion, they are being depleting rapidly. A time will come when we will not have enough resources to fulfil the needs of the entire population. Therefore, it is necessary that the population be controlled well in time. China has been successful in controlling its population by making laws and implementing them strictly. There is also a need for a similar population control law in India so that the population can be controlled. The welfare of public is inherent in it.

Hence, this Bill.

NEW DELHI;
February 3, 2022.

C.P. JOSHI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a National Population Control Committee. It also provides for appointment of officers and employees to the committee.

Clause 5 provides for the incentives like free treatment to the whole family in Government providing health centres who is having two or less than two living children. Clause 8 provides that the Central Government shall provide adequate funds to the Committee. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India.

However, at this stage, it would be difficult to state the exact amount both recurring and non-recurring expenditure to be incurred from the Consolidated Fund of India on the constitution and functioning of the Committee.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As these rules will relate to the matter of detail only, the delegation of legislative power is of a normal character.

XXXVIII

BILL NO. 77 OF 2022

A Bill to provide special financial assistance to the State Government of Rajasthan to meet the expense of development and rejuvenation of water bodies in the forest areas in the State of Rajasthan and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and commencement. **1.** (1) This Act may be called the Special Financial Assistance for Development and Rejuvenation of Water Bodies in Forest Areas in the State of Rajasthan Act, 2022.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "aquatic ecosystem" means all organic and inorganic matter and all living organisms living in or located in or on water or the beds or shores of a water body;

(b) "drain" includes gutters, wastewater canals, sewers and all outlets or flow of waste water including overflow of rainwater;

(c) "forest area" means any district where more than thirty-three per cent of the total geographical area is covered by forests and has been declared as the forest area by the State Government of the Rajasthan or the Central Government, as the case may be, for the purpose of this Act;

(d) "groundwater" means all water under the surface of the ground, whether in solid or liquid form;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "water body" means any body of flowing or standing water, whether natural or artificial and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, tank, well, pond and wetland.

3. (1) The State Government of Rajasthan shall forward the details of the required infrastructure and the estimated cost of the water bodies project of the forest areas falling in the State.

State Governments to forward the details to the Central Government.

(2) The Central Government, shall on receipt of details, provide funds to the State Government for the development of water bodies in the forest areas in such manner as may be prescribed.

(3) The funds provided under sub-section (2) shall be utilised for,—

(a) expeditious completion of ongoing water bodies projects in forest areas;

(b) construction of small ponds for the use of animals in the forest areas;

(c) digging wells and bore wells in the forest areas;

(d) installing electric pumps for pumping water in the forest areas;

(e) meeting costs incurred on implementing the "Water Bodies Rejuvenation Scheme" based on the water resources of the forest areas;

(f) renovation of old ponds and water reservoirs in forest areas; and

(g) construction of canals.

(4) The State Government of the Rajasthan shall furnish the details of expenditure likely to be incurred on the water bodies development works in forest areas to the Central Government in such manner and in such times as may be prescribed:

Provided that if the State Government of the Rajasthan fails to utilise the funds for the purpose it was released or fails to produce the details under sub-section (4), the Central Government shall withhold sanction of funds to the State Government.

4. The State Government of Rajasthan shall, before forwarding the details to Central Government under section 3, make the regulation for the purpose of,—

Power of State Governments to make regulations.

(a) designating any area as forest area;

(b) designating any area within the forest areas as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source;

(c) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;

(d) improving the drainage system;

(e) ensuring clear separation between waste water and sources of clean water to avoid contamination; and

(f) ensuring quick absorption or clear flow of rain water and sources of clean water to avoid contamination.

State Government of Rajasthan to consider the scientific, intrinsic and other information relating to water bodies.

5. The State Government of Rajasthan shall, before forwarding the details to the Central Government under section 3, take into consideration the scientific, intrinsic and other information relating to,—

(a) the physical characteristics of land in the area, including its topography and soil types;

(b) the ability of the soil or water in the area to assimilate nutrient and other pollutants;

(c) water bodies or groundwater in the area, including information relating to,—

(i) the quality characteristics of the water;

(ii) the susceptibility of water to contamination or adverse changes in level; and

(iii) the extent to which the water is undistributed by human activity;

(d) the area's aquatic eco-systems;

(e) whether the area contains a source or a potential source, of drinking water;

(f) whether the area supports species that are sensitive to alterations in water quality resulting from human activity;

(g) whether the area provides habitat for endangered species; and

(h) the perception of native inhabitants of the area regarding quality, quantity and prospects of water in a particular zone including,—

(i) the possibilities of flood and/or water logging; and

(ii) any other matter which the Government consider relevant.

Central Government to render scientific and technical advice.

6. The Central Government shall render scientific and technical advice and assistance to the State Government of Rajasthan if so required to achieve the purposes of this Act.

Central Government to provide financial assistance to State Government of Rajasthan.

7. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to the State Government of Rajasthan for protection of water bodies and for promotion of rain water harvesting and watershed management programmes in the forest areas.

(2) The Central Government before releasing the money shall ensure that State Government has complied with the provisions of this Act.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Rajasthan faces one of the greatest scarcity of water resources in the country. It has 5.67 per cent. of population and about 11 per cent. of country's livestock but it has only 1.16 per cent. of surface water and 1.70 per cent. of ground water. Thus Rajasthan a state with about 10 per cent. of land area has only around 1% of country's water resources.

Rajasthan is the driest State with nearly 70 per cent. (2/3rd) of the area classified as arid and semi arid region. The annual average demand in 2010 in the State was of 31333.74 Million Cubic Meter (MCM) with an availability of 10448.59 MCM annual average surface water (having 75 per cent. dependability) and 10563.01 MCM of annual average ground water. Hence there is gap of around 30 per cent. in demand and availability. Moreover, groundwater availability in Rajasthan is highly variable, depending on hydrological conditions.

The Forest (Conservation) Act, 1980 has put some restrictions on the use of forest land for non-forest purposes. Due to this, water bodies and other development activities cannot be undertaken in the forest areas. It is neither justified nor appropriate to deprive the people who have been living in forest areas since time immemorial from getting facilities for their upliftment. A large number of proposals relating to water bodies and development of water bodies in the forest areas are pending approval in the Ministry concerned. Due to lack of water bodies species living in the forest areas have to depend on rain despite having the water reservoirs. Due to non-availability of water bodies, the ecosystem of forest areas is degrading which compels them to live in the verge of extinction.

State Government do not have sufficient funds for the development of water bodies projects in the forest areas. The Bill, therefore, seeks to provide financial assistance to meet the expense of development and rejuvenation of water bodies in the forest areas and for matters connected therewith in State of Rajasthan.

Hence, this Bill.

NEW DELHI;
January 31, 2022.

C.P.JOSHI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rendering of scientific and technical advice and assistance to the State Government of Rajasthan. Clause 7 provides for financial assistance to the State Government of Rajasthan for development, rejuvenation and protection of water bodies.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. As the sums of moneys which will be given to the State of Rajasthan as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government of Rajasthan with the approval of Government of India as identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill provides for the State Government of Rajasthan to make regulations for the purpose of designating any area as forest area, etc. Clause 8 empowers the Central Government to make rules for carrying out the purpose of this Act. As the regulations and rules will relate to matters of detail only, the delegation, therefore, is of a normal character.

XXXIX

BILL NO. 124 OF 2022

A Bill to prohibit marketing, slaughtering, trading, cooking, serving and consumption of meat and other non-vegetarian food within 100 square meter area from the places of Hindu religious worship and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Religious Places of Worship (Prohibition of marketing, Slaughtering, Trading, Cooking, Serving and Consumption of Meat and other non-Vegetarian Food) Act, 2022.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "animal market" means a market place or sale-yards or any other premises or place to which animals are brought from other places and offered or displayed for sale or auction and includes animal fairs and cattle pounds, duly licensed or recognized under any Act or any other law for the time being in force or any rules or regulations made thereunder;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "beef" means flesh of the cattle in any form whose slaughter is prohibited under any Union or State Act;

(d) "consumer" means a person who purchase and receive food in order to meet his personal needs;

(e) "consumption" means the act of consuming food in any form including solid, liquid and gaseous state;

(f) "cooking" means the act of preparing something as food by the application of heat;

(g) "devalya" means a place by whatever designation known, used as a place of public religious worship and dedicated to or for the benefit of or used as of right by the Hindu community or any class of section thereof, as a place of public religious worship and also includes any cultural institution or mathh or mandap or library connected with such a place of public religious worship;

(h) "ingredient" means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form;

(i) "local area" means any area, whether urban or rural, notified by the appropriate Government, to be a local area for the purposes of this Act;

(j) "marketing" means any audio or visual publicity, representation or pronouncement made by means of any light, sound, smoke, gas, notice, circular, label, wrapper, invoice or other documents;

(k) "meat" includes the flesh or other edible parts of animals (usually domesticated cattle, swine, fish, beef and sheep) used for food, including not only the muscles and fat but also the tendons and ligaments;

(l) "place of worship" means a temple or devalya or any other place of Hindu religious worship of any denomination or any section thereof, by whatever name called;

(m) "premise" includes any residential, religious and commercial place including house, shop, stall, hotel, restaurant, airline services and food canteens, place or vehicle or vessel where any article of food is sold or manufactured or stored for sale;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "religious officer" means the officer appointed under section 7;

(p) "sale" with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article;

(q) "slaughter" means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course shall cause death;

(r) "trading" means any transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, and offer for sale and exposure for sale; and

(s) "vegetarian" means a person who consumes fruits, vegetables, grains and nuts exclusively and not the meat, fish or any other products in which animal flesh is being used.

3. No person shall directly or indirectly market, slaughter, trade, buy, cook, serve and consume any meat and non-vegetarian products or beef products in premises in any form within 100 square meters of hindu religious place of worship.

Prohibition of marketing, slaughtering, trading, cooking, serving and consumption of meat and other non-vegetarian products.

4. (1) The appropriate Government may, by notification in the Official Gazette, appoint or declare any person as Religious Officer for carrying out the purposes of this Act for such local areas as may be specified in that notification.

Appointment of Religious Officer.

(2) The salary and allowances payable to and other terms and conditions of services of Religious Officer appointed or declared under sub-section (1) shall be such as may be prescribed.

5. No person shall be eligible for the appointment of Religious Officer under section 4 unless he—

Qualification for Religious Officer.

(a) is Graduate in any stream of education;

(b) has completed the age of twenty-five years;

(c) possess good moral character;

(d) is not involved or booked in any criminal activity;

(e) worship, preaches, practices or follows hindu religion;

(f) is a vegetarian and has declare his eating preferences on an affidavit by notification in the Official Gazette; and

(g) is the resident of the local area.

6. (1) For the purpose of enforcing the provisions of this Act, a police officer not below the rank of Sub-Inspector or a Religious Officer or any person authorized in this behalf by the appropriate Government, shall have the power to enter and inspect any premises within the local limits of jurisdiction of such persons where he has reason to believe that an offence under this Act has been or is likely to be committed.

Power to enter, inspect, search, seizure and detain.

(2) Every person in occupation of any such premises as specified under sub-section (1) shall allow the police officer not below the rank of Sub-inspector or religious officer or the person authorized in this behalf by the appropriate Government, as the case may be, such access to the premises as he may require for the aforesaid purpose and shall answer any question put to him by such police officer or religious officer or the person authorized in this behalf by the appropriate Government, as the case may be, to the best of his knowledge and belief.

(3) A police officer not below the rank of sub-inspector or religious officer, as the case may be, upon access to the premises under sub-section (2), seize any vehicle, conveyance

and cattle, if he is of the opinion that such vehicle, conveyance or cattle are being used in contravention with the provisions of this Act.

(4) After the seizure of any vehicle, conveyance or cattle under sub-section (3), such police officer shall report such seizure without unreasonable delay before the Judicial Magistrate 1st Class:

Provided that the authority or officer, other than police officer, seizing such vehicles or conveyance or cattle, shall maintain the seized cattle and hand over any other material, vehicles or persons detained to the jurisdictional police station along-with complaint and such Officer-in-charge of Jurisdictional police officer shall report such seizure without unreasonable delay before the judicial magistrate 1st class.

(5) On receipt of the report under sub-section (3), the Judicial magistrate 1st class may, on being satisfied that there is enough material to presume that a prima-facie offence under this Act has been committed or intended to be committed, release the seized materials including vehicle or conveyance except, to the satisfaction of the Court, pending disposal of the criminal proceedings instituted in respect of the alleged offence.

(6) The expenditure incurred on the maintenance of the seized cattle shall be recovered from such persons as may be prescribed.

(7) The cattle seized under this section may be handed over to an institution established under section 9 of this Act or any existing gaushala or similar institution after value assessment by the Animal husbandry and Veterinary Department of the appropriate Government.

Restriction on bail.

7. Notwithstanding anything contained in this Act, no person accused of any offence punishable under this Act shall, if in custody, be released on bail or on his own bond unless the public prosecutor has been given an opportunity of being heard on the application for such release.

Forfeiture of vehicle, etc.

8. On conviction, the vehicle or any conveyances or bank guarantee so furnished and cattle so seized under this Act shall stand forfeited to the appropriate Government in such manner as may be prescribed.

Establishment of an institution including Gaushalas for taking care of cattle.

9. The appropriate Government may establish or direct any local authority or permit organisations registered under the Societies Registration Act, 1960 or Indian Trust Act, 1882 or non profit company established under the provisions of section 8 of Indian Companies Act 1956 to establish an institution including gaushalas at such places as may be deemed necessary for taking care of the seized cattle and to be housed thereto in such manner as may be prescribed.

Publication of photographs etc. of absconding offenders.

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the police officer not below the rank of superintendent of police, if has reason to believe that any person who is accused of an offence under this act and against whom a warrant has been issued, has absconded or concealing himself so that such warrant cannot be executed, the names and the photograph of such person may be published at some prominent places in locality where the accused ordinarily resides or to a public places.

Penalties.

11. (1) Whoever contravenes any of the provisions contained in this Act shall be guilty of an offence punishable with imprisonment for a term which shall not less than three years but which may extend upto eight years and with fine, which shall not be less than three lakh rupees but may extend upto five lakh rupees or with both:

Provided that after considering facts and circumstances of a case and after hearing the Public Prosecutor on the question of sentence, the trial court may, for the reasons to be recorded in writing, impose lesser punishment than the minimum prescribed penalty under this section.

(2) Whoever after conviction of an offence under this Act is again found to be guilty of an offence under this Act, shall be punished with double the punishment provided for the said offence for the second and subsequent conviction.

12. Whoever abets any offence punishable under this act or attempts to commit any such offence shall be punishable with the punishment provided in this Act for such offences. Abetments and attempts.

13. (1) Any person aggrieved by any order passed under section 11 and section 12 may, within thirty days from the date of receipt of such order appeal to the sessions judge having jurisdiction over the area in which the property, to which such order relates, has been seized. Appeals.

(2) The sessions Judge may, after giving the persons affected a reasonable opportunity of being heard, pass such order as it deems fit.

14. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this act shall be cognizable and non-bailable. Offences to be cognizable.

15. Subject to such conditions as may be prescribed, this Act shall not apply to the places where a No Objection Certificate has been obtained from the place of worship. Exemptions.

16. The Central Government shall render religious, scientific and technical advice and assistance to respective State Governments and Union territory administrations if so required to achieve the purposes of this Act. Central Government to render religious, scientific and technical advice.

17. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to the States and Union territories to meet the expenses for creating infrastructure to prohibit slaughtering, trading, cooking and consumption of meat with in 100 square meter area from the hindu religious places of worship. Central Government to provide financial assistance to States and UTs.

(2) The Central Government before releasing the money under sub-section (1) shall ensure that State Governments and Union territory administrations have complied with the provisions of this Act.

18. All religious officers and other persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Officers exercising power under this act to be deemed to be public servants.

19. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made hereunder. Protection of persons acting in good faith.

20. The appropriate Government may, by notification in the Official gazette, delegate to any officer of the appropriate Government all or any of its powers or functions under this Act. Functions of Delegation.

21. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force. Act not in derogation of any other law.

22. (1) The appropriate Government may, by notification in the Official gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (i) the places of worship, or festival for slaughter of cattle in pursuance of this Act;
- (ii) rules for proper management and conditions and fees for registration of institution established under section 9;
- (iii) the manner of forfeiture of the vehicle or any conveyance or animal to appropriate Government under section 8;
- (iv) competent authority and its power and function; and
- (v) any other matter which is or may be prescribed.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Ahinsa, the law of non-injury, is the Sanatan Dharma's (Hinduism) first duty in fulfilling religious obligations to God and God's creation as defined by Vedic scripture. All of our actions, including our choice of food, have Karmic consequences. According to ancient Hindu scriptures, non-violence is the most important virtue. For this reason, millions of Hindus are lacto-vegetarians, as it is a diet that lessens harm to animals. It lies at the top of the hierarchy of Hindu dietary practices and is rooted in Indian customs. By involving oneself in the cycle of inflicting injury, pain and death, even indirectly by eating other creatures, one must in the future experience in equal measure the suffering caused.

Food is the source of the body's chemistry, and what we ingest affects our consciousness, emotions and experiential patterns. If one wants to live in higher consciousness, in peace and happiness and love for all creatures, then he cannot eat meat, fish, shellfish, fowl or eggs. By ingesting the grosser chemistries of animal foods, one introduces into the body and mind anger, jealousy, anxiety, suspicion and a terrible fear of death, all of which are locked into the flesh of the butchered creatures. For these reasons, vegetarians live in higher consciousness and meat-eaters abide in lower consciousness.

In Sanatan Dharma, the importance of purity and satvikta is considered to be special in worship. In such a situation, cutting of animals near a temple, hanging them in the open for publicity, buying, selling, making and eating meat destroys, purity and satvikta in worship. The worship of people who believe in Sanatan Dharma is destroyed due to coming in contact through seeing, smelling, hearing all the above mentioned acts.

Therefore, it is very important to ban 100 square meters area of Devalya or hindu religious places of worship and religious institutions for marketing, slaughtering, trading, cooking, serving and consumption of meat and other non-vegetarian items.

Hence, this Bill.

NEW DELHI;
March 23, 2022.

C.P.JOSHI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for appointment of a Religious Officer for carrying out the provision of this Act. Clause 16 provides for rendering of religious, scientific and technical advice and assistance to the State Governments and Union territory Administrations. Clause 17 provides that there shall be paid such sums of money out of the Consolidated Fund of India, every year, as Parliament may be due appropriation provide, as special financial assistance to the States and Union territories of India to meet the costs of implementing of law, as may be undertaken by the States and Union territories with the approval of the Union Government. The Bill, therefore, on enactment, will involve expenditure out of the Consolidated Fund of India. As the sums of moneys which will be given to the States and Union territories as special financial assistance by appropriation by law made by Parliament will be known only after the plans to be implemented by the State Government and Union territories Administrations with the approval of Government of India are identified, it is not possible at present to give the estimates of recurring expenditure, which would be involved out of the Consolidated Fund of India at this stage.

No non-recurring expenditure is likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 22 of this Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is, therefore, of a normal character.

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BILL NO. 69 OF 2022

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of the
Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part III-Bihar—

(a) the existing entry 1 shall be renumbered as entry 1A and before entry 1A as so re-numbered, the following entry shall be inserted, namely:—

"1. Amaat";

(b) after entry 5, the following entries shall be inserted, namely:—

"5A. Beend

5B. Beldar";

(c) after entry 10, the following entries shall be inserted, namely:—

"10A. Dhanuk

10B. Gangaut";

(d) after entry 12, the following entry shall be inserted, namely:—

"12A. Gorhi";

(e) after entry 13, the following entry shall be inserted, namely:—

"13A. Kahaar";

(f) after entry 14, the following entry shall be inserted, namely:—

"14A. Kewat, Kaivart, Kyot ";

(g) after entry 22, the following entry shall be inserted, namely:—

"22A. Mallah";

(h) after entry 24, the following entry shall be inserted, namely:—

"24A. Nunia"; and

(i) after entry 33, the following entry shall be inserted, namely:—

"34. Turha.".

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 342 of the Constitution, the list of Scheduled Tribes of various States was first notified through the Constitution (Scheduled Tribes) Order, 1950. Thereafter, this list has been modified, from time to time. However, there are still certain tribes in the State of Bihar, namely Amaat, Beend, Beldar, Dhanuk, Kahaar, Gangaut, Gorhi, Kewat, Kyot, Kaivart, Mallah, Nunia and Turha which have not yet been included in the list of Scheduled Tribes in respect of the State of Bihar. The people belonging to these tribes are still socially, educationally and economically backward and are leading a miserable life even after decades of planned development. These communities fulfil all the criteria for being included as a tribe in the Constitution (Scheduled Tribes) Order, 1950. Moreover, they have also been demanding such a status for a long time. Therefore, conferring the status of Scheduled Tribe to these communities is necessary to get justice for them.

The Bill seeks to achieve the above objective by amending the list of Scheduled Tribes in respect of the State of Bihar.

Hence, this Bill.

NEW DELHI;
February 4, 2022.

DILESHWAR KAMAIT

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend the Constitution (Scheduled Tribes) Order, 1950 with a view to include certain tribes in the list of Scheduled Tribes in respect of the State of Bihar. The Bill, therefore, if enacted, would involve recurring and non-recurring expenditure from the Consolidated Fund of India on account of benefits to be provided to the persons belonging to these communities under the existing schemes meant for the development of the Scheduled Tribes. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore would be involved as a recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

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BILL NO. 30 OF 2022

A Bill to provide for the use of official languages in the proceedings of the Supreme Court, High Courts and District Courts and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court, High Courts and District Courts (Use of Official Languages) Act, 2022.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by a notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date as may be notified by the appropriate Government for the purposes of this Act;

(b) "appropriate Government" means—

(i) in the case of the Supreme Court and the High Courts, the Central Government; and

(ii) in the case of a district court, the State Government concerned;

(c) "district court" includes the courts subordinate thereto established in the States by the High Court concerned;

(d) "document" means document as defined in section 3 of the Indian Evidence Act, 1872;

1 of 1872.

(e) "High Court" means a Court as defined in clause (14) of article 366 or established under article 231 of the Constitution and includes its benches;

(f) "official language" means the official language of the Union under article 343 of the Constitution and includes the language in use for official purposes in any State;

(g) "party" includes any person authorized by the party to the matter or an advocate for the party;

(h) "proceedings" include pleadings, petition, application, appeal, reference, revision, review, affidavit, counter affidavit, other documents filed or received during course of conduct of the matter, appearance, leading of arguments, during hearing in any matter, judgment, decree or order and such other matters as may be prescribed by the Supreme Court, High Courts or district courts, as the case may be; and

(i) "Supreme Court" means the Supreme Court of India.

Right of the party to prefer official language during the course of proceedings.

3. (1) From the appointed day, any party to the proceedings before the Supreme Court or any High Court or district court, as the case may be, shall have the right to prefer the official language in conduct of such proceedings in that court.

(2) The party to the proceedings shall make an application to the Supreme Court, High Court or district court for the conduct of the proceedings in the official language in such manner as may be laid down by the Supreme Court or the High Court or district court concerned, as the case may be.

Conduct of proceedings in the Supreme Court, High Courts and District Courts.

4. (1) Where any party to the proceedings has made preference for the conduct of proceedings in official language, the Supreme Court or High Court or district court, as the case may be, shall conduct proceedings before it in that official language.

(2) The Supreme Court, High Court or district court, as the case may be, may lay down by rules the procedure for conduct of proceedings in the official language:

Provided that such procedure shall not entail any additional expense on any party to the case for conducting such proceedings in the official language.

Measures by appropriate Government for providing requisite infrastructure.

5. The appropriate Government shall take such measures as may be necessary to ensure availability of requisite infrastructure in the Supreme Court, High Courts and district courts for the conduct of proceedings in the official language.

Explanation.—For the purpose of this section, requisite infrastructure includes appropriate translation and typing facility in the official language and such other facilities as may be necessary for conduct of the proceedings in the official languages.

STATEMENT OF OBJECTS AND REASONS

Article 345 of the Constitution provides that the Legislature of a State may by law adopt any one or more of the languages in use in the State or Hindi as the language or languages to be used for all or any of the official purposes of that State.

Article 350 provides that every person shall be entitled to submit a representation for the redress of any grievance to any officer or authority of the Union or a State in any of the languages used in the Union or in the State, as the case may be.

Article 351 provides that it shall be the duty of the Union to promote the spread of the Hindi language, to develop it so that it may serve as a medium of expression for all the elements of the composite culture of India and to secure its enrichment by assimilating without interfering with its genius, the forms, style and expressions used in Hindustani and in the other languages of India specified in the Eighth Schedule, and by drawing, wherever necessary or desirable, for its vocabulary, primarily on Sanskrit and secondarily on other languages.

Nonetheless, article 348 provides that Parliament may, by law provide for the use of language other than English for the proceedings in the Supreme Court and High Courts. However, at present all the work in the courts is being transacted in English language only. It is a matter of concern for most of the persons in the country. Until and unless the petitioner is able to understand the language of the hearing, right to just hearing cannot be ensured. There is a legal saying that justice should not only be done, but it should also be seen to be done. Everyone has a right to get justice in the language he is well versed.

Hence, this Bill.

NEW DELHI;
February 7, 2022.

GOPALCHINAYYA SHETTY

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the appropriate Government shall take such measures as may be necessary for ensuring availability of requisite infrastructure in the Supreme Court, High Courts and district courts within its jurisdiction for conduct of proceedings in the official language in the Supreme Court, High Courts and district courts, as the case may be. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the exact amount of recurring and non-recurring expenditure likely to be involved.

XXXXII

BILL NO. 86 OF 2022

A Bill to establish and incorporate a National Water University in the State of Maharashtra, a specialised University first of its kind, to promote water education in the areas of water resource management, water conservation technology, equitable and sustainable development and ground water resource management besides functioning as the national centre for select water disciplines by adopting best international practices and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Water University Act, 2022.

Short title and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Academic and Activity Council" means the Academic and Activity Council of the University;

(b) "Academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "Board of Water Studies" means the Board of Water Studies of a Department of the University;

(d) "Chancellor" means the Chancellor of the University;

(e) "College" means a college or other academic institution established or maintained by, or admitted to the privileges of, the University;

(f) "Court" means the Court of the University;

(g) "Department" means a Department of Studies and includes a Centre of Studies;

(h) "Employee" means any person appointed by the University and includes teachers and other staff of the University;

(i) "Executive Council" means the Executive Council of the University;

(j) "Finance Committee" means the Finance Committee of the University;

(k) "Fund" means the University Fund referred to in section 30;

(l) "Hall" means a unit of residence or of corporate life for the students of the University, or of an Outlying Campus or of a College or an Institution, maintained by the University;

(m) "Head of the Department" means the head of any teaching department of the University;

(n) "Institution" means an academic institution, not being a College, maintained by, or admitted to the privileges of, the University;

(o) "Outlying Campus" means the campus of the University as may be established by it at any place within or outside India;

(p) "Principal" means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the person for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;

(q) "Regional Centre" means a centre established or maintained by the University for the purpose of coordinating and supervising the work of Study Centres in any region and for performing such other functions as may be conferred on such centre by the Executive Council;

(r) "Regulations" means the regulations made by any authority of the University under this Act for the time being in force;

(s) "School" means a School of Studies of the University;

(t) "section" means the section of this Act;

(u) "State" includes a Union territory;

(v) "Statutes" and "Ordinances" mean, respectively, the Statutes and the Ordinances of the University for the time being in force;

(w) "Study Centre" means a centre established, maintained or recognised by the University for the purpose of advising, counselling, training or for rendering any other assistance required by the students;

(x) "Teachers of the University" means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instructions, training or conducting research in the University or in any Outlying Campus, College or Institution or Regional Centres and Study Centres maintained by the University and are designated as teachers by the Ordinances;

(y) "University" means the National Water University established and incorporated as a University under this Act;

(z) "Vice-Chancellor" means the Vice-Chancellor of the University.

3. (1) There shall be established a University by the name of "National Water University". Establishment of University.

(2) The headquarters of the University shall be in the State of Maharashtra and it may establish or maintain Outlying Campuses, Colleges, Regional Centres and Study Centres at such other places in India as it may deem fit:

Provided that the University may, with the prior approval of the Central Government, also establish Outlying Campuses and Study Centres outside India.

(3) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic and Activity Council, and all such persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "National Water University".

(4) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

4. The objects of the University shall be—

Objects of University.

(i) to evolve as an institute of advanced study in the field of water sciences;

(ii) to provide for research and development and dissemination of knowledge in water sciences by providing specially designed academic and training programmes in various areas of water sciences and training in advanced technologies relating to water;

(iii) to establish centres and institutions of excellence for imparting state of the art educational training and research in the fields of water sciences, and water technology;

(iv) to provide professional and academic leadership to other institutions in the field of water sciences;

(v) to provide vocational guidance and placement services in water sciences, aquaculture, water technology and other related fields;

(vi) to generate capabilities for the development of knowledge, skills and competences at various levels in the fields of water sciences, and water technology;

(vii) to generate capabilities to provide infrastructure of international standard for education, training and research in the areas related to water sciences, and water technology;

(viii) to prepare highly qualified professionals in the fields of water sciences, and water technology;

(ix) to serve as a Centre of Excellence for the elite and other talented water scientists and innovation in water sciences and to carry out, endorse and propagate research;

(x) to function as a leading resource centre for knowledge and development in the areas of water sciences, and water technology;

(xi) to provide international collaboration in the fields of water sciences, and water technology;

(xii) to establish close linkage with water academies, schools, colleges, water research associations and international federations for the purpose of teaching, training and research in water sciences, aquaculture and water technology;

(xiii) to make India become a water and aquaculture research hub;

(xiv) such other objects, not inconsistent with the provisions of this Act, which the Central Government may, by notification in the Official Gazette, specify in this behalf.

Powers and
functions of
University.

5. (1) The University shall have the following powers and functions, namely:—

(i) to plan, design, develop and prescribe courses of study and conduct appropriate academic and training programmes in water sciences including water technology and to provide for instruction and training in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on, persons, on the basis of examinations, evaluation or any method of testing, and to withdraw any such certificates, diplomas, degrees or other academic distinctions for good and sufficient cause;

(iii) to provide opportunities to the students of the University to participate in the water research and technology competitions in co-ordination with established international water research bodies;

(iv) to have liaison or membership with various international professional organisations or bodies;

(v) to establish and maintain, with the prior approval of the Central Government, such Outlying Campuses, Regional Centres, specialised laboratories or other units of research, instruction and training as are, in the opinion of the University, necessary for the furtherance of its objects;

(vi) to establish, maintain or recognise Study Centres in the manner laid down by the Statutes;

(vii) to establish and maintain Colleges, Institutions and Halls;

(viii) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(ix) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;

(x) to appoint persons working in any University or academic institution, including those located outside the country, as teachers of the University for a specified period;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning, including those located outside the country, in such manner and for such purposes as the University, may determine;

(xiii) to provide facilities through the distance education system to such persons and in such manner as may be prescribed by the Statutes;

(xiv) to institute and award fellowships, scholarships, studentship, medals and prizes for raising academic standards and research;

(xv) to organise and to undertake extramural studies, training and extension services;

(xvi) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(xvii) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators, other academic staff and students;

(xviii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants and such other persons who may contribute to the advancement of the objects of the University;

(xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xx) to demand and receive payment of fees and other charges;

(xxi) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxii) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxiii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxiv) to make arrangements for promoting the health and general welfare of the employees;

(xxv) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties, for the purposes of the University;

(xxvi) to borrow, with the previous approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

(xxvii) to conduct innovative experiments and promote new methods and technologies in the fields of water sciences, aquaculture, and water technology, and other related fields;

(xxviii) to purchase or to take on lease any land or building or water complex or water infrastructure and scientific water research equipment or indoor stadium or works which may be necessary or convenient for the purposes of the University, on such terms and conditions as it may think fit and proper and to construct, alter and maintain any such building or work;

(xxix) to start any new allied course or research programme or diploma or training programme and discontinue any course or training programme;

(xxx) to invest the funds of the University in or upon such securities and transpose any investment from time to time in such manner as it may deem fit in the interest of the University;

(xxxi) to execute conveyances regarding transfers, mortgages, leases, licenses, agreements and other conveyances in respect of the property, movable or immovable, including Government securities, belonging to the University or to be acquired for the purposes of the University, after taking prior permission of the Central Government;

(xxxii) to act as a technical advisory body to Government of India and other National Organisations, State Governments and Water Research Federations on all matters related to Water;

(xxxiii) to give effect to the procedures and standards provided under various schemes aimed at increasing awareness or research;

(xxxiv) to confer autonomous status on a College or an Institution in the manner laid down by the Statutes;

(xxxv) to admit to its privileges any College or Institution in or outside India subject to such conditions as may be laid down by the Statutes:

Provided that no College or Institution shall be so admitted except with the prior approval of the Central Government;

(xxxvi) to provide for the preparation of instructional and training materials, including films, cassettes, tapes, video cassettes and other software;

(xxxvii) to recognise persons for imparting instructions in any College or Institution admitted to the privileges of the University; and

(xxxviii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) The University shall in the exercise of its powers have jurisdiction over the whole of India and to the Outlying Campuses and Study Centres outside India.

(3) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching, training and research, and the University shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) admissions of students and recruitment of faculty shall be made on 30 all-India basis through appropriate procedures approved by the Executive Council of the University;

(ii) foreign students shall be admitted by the University to various courses and programmes as per the policy and schemes of the Government of India and the procedure approved by the Executive Council of the National Water University;

(iii) inter-University mobility of faculty with portable pension scheme benefits, if any, and protection of seniority shall be encouraged;

(iv) semester system, continuous evaluation and choice-based credit system shall be introduced and the University shall enter into agreement with other Universities and academic institutions for credit transfer and joint degree programmes;

(v) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(vi) active participation of students shall be ensured in all academic activities of the University, including evaluation of teachers;

(vii) accreditation shall be obtained from the National Assessment and Accreditation Council or any other accrediting agency at the national level; and

(viii) e-governance shall be introduced with effective management information.

6. The University shall be open to persons of any sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle such person to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

University to be open to all castes, creed, race or class.

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens:

Provided further that no such special provision shall be made on the ground of domicile.

7. (1) The Central Government may, from time to time, appoint one or more persons to review the work and progress of the University, including Outlying Campuses, Colleges, Institutions, Regional Centres and Study Centres maintained by it, and to submit a report thereon; and upon receipt of that report, the Central Government may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as it considers necessary, in respect of any of the matters dealt with in the report and the University shall abide by such action and be bound to comply with such directions.

Central Government to review work and progress of University.

(2) The Central Government shall have the right to cause an inspection to be made by such person or persons, as it may direct, of the University, its buildings, water complexes, libraries, laboratories and equipment, and of any Outlying Campus or College or Institution or Regional Centres or Study Centres maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions or Regional Centres or Study Centres.

(3) The Central Government shall, in every matter referred to in sub-section (2), give notice of its intention to cause an inspection or inquiry to be made, to the University, and the University shall have the right to make such representations to the Central Government, as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Central Government may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(5) Where any inspection or inquiry has been caused to be made by the Central Government, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(6) The Central Government may, if the inspection or inquiry is made in respect of the University or any Outlying Campus or College or Institution or Regional Centre or Study Centre established or maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Central Government may be pleased to offer, and on receipt of address made by the Central Government, the Vice-Chancellor shall communicate

to the Executive Council the views of the Central Government with such advice as the Central Government may offer upon the action to be taken thereon.

(7) The Executive Council shall communicate through the Vice-Chancellor to the Central Government such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(8) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Central Government, it may, after considering any explanation furnished or representation made by the Executive Council, issue such directions, as it may think fit, and the Executive Council shall comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Central Government may, by order in writing, annul any proceeding of the University which is not in conformity with the provisions of this Act or the Statutes or the Ordinances:

Provided that before making any such order, the Central Government shall call upon the Vice-Chancellor to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, it shall consider the same.

(10) The Central Government shall have such other powers, in respect of the affairs of the University, as may be prescribed by the Statutes.

Officers of
University.

8. The following shall be the officers of the University, namely:—

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) the Deans of Schools;

(d) the Registrar;

(e) the Finance Officer;

(f) the Controller of Examinations;

(g) the Librarian; and

(h) such other officers as may be declared by the Statutes to be the officers of the University.

Chancellor.

9. (1) The Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and other ceremonial functions and also the meetings of the Court.

Vice-
Chancellor.

10. (1) The Vice-Chancellor shall be appointed by the Central Government in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall apprise such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Central Government whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) Where the Vice-Chancellor is of the opinion that any decision taken by any authority of the University is beyond the powers of the authority conferred under the provisions of this Act or the Statutes or the Ordinances, or that any decision taken by the authority is not in the interest of the University, he may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Central Government whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

11. Every Dean of School shall be appointed in such manner, and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Deans of Schools.

12. (1) The Registrar shall be appointed in such manner, and on such terms and conditions of service, as may be prescribed by the Statutes. Registrar.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

13. The Finance Officer shall be appointed in such manner, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Finance Officer.

14. Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Controller of Examinations.

15. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes. Librarian.

16. The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes. Other officers.

17. The following shall be the authorities of the University, namely:— Authorities of University.

(a) the Court;

(b) the Executive Council;

(c) the Academic and Activity Council;

(d) the Board of Water Studies;

(e) the Finance Committee;

(f) such other authorities as may be declared by the Statutes to be the authorities of the University.

18. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes. The Court.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University, and to suggest measures for the improvement and development of the University;

(b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;

(c) to advise the Central Government in respect of any matter which may be referred to it for advice; and

(d) to perform such other functions as may be prescribed by the Statutes.

Executive Council.

19. (1) The Executive Council shall be the principal executive body of the University.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

Academic and Activity Council.

20. (1) The Academic and Activity Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, co-ordinate and exercise general supervision over the academic policies of the University.

(2) The constitution of the Academic and Activity Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Academic and Activity Council shall have Research officers who have achieved distinction in various spheres of geological and water research.

Board of Water Studies.

21. The constitution, powers and functions of the Board of Water Studies shall be prescribed by the Statutes.

Finance Committee.

22. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Other authorities of University.

23. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Power to make Statutes.

24. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers, academic staff and other employees of the University, the emoluments and conditions of service;

(e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;

(f) the conditions of service of employees including provisions for pension, insurance, provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of autonomous status on a College or an Institution or a Department;

(k) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges, Institutions, Regional Centres and Study Centres;

(l) the conferment of honorary degrees;

(m) the conferment and withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the management of Colleges, Institutions, Regional Centres and Study Centres established and maintained by the University;

(o) the delegation of powers vested in the authorities or officers of the University;

(p) the maintenance of discipline among the employees and students; and

(q) all other matters which by this Act are to be, or may be, provided for by the Statutes.

25. (1) The first Statutes are those set out in the Schedule to this Act.

Statutes, how
to be made.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal any Statutes referred to in sub-section (1):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(3) Every new Statutes or Statutes amending or repealing existing Statutes shall require the approval of the Central Government and unless so approved, they shall be invalid.

(4) Notwithstanding anything contained in the foregoing sub-sections, the Central Government may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1), during the period of three years immediately after the commencement of this Act:

Provided that the Central Government may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as it may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(5) Notwithstanding anything contained in this section, the Central Government may direct the University to make provisions in the Statutes in respect of any matter specified by it and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Central Government may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

26. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

Power to
make
Ordinances.

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study and their duration to be laid down for all degrees, diplomas and certificates courses of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;

(f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence and teaching of women students and the prescribing of special courses of studies for them;

(j) the establishment of Centres of Studies, Board of Studies, Specialised Laboratories and other Committees;

(k) the manner of co-operation and collaboration with other Universities, institutions and other agencies including learned bodies or associations;

(l) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(m) the institution of fellowships, scholarships, studentships, medals and prizes;

(n) the setting up of a machinery for redressal of grievances of employees and students; and

(o) any other matter which, by this Act or the Statutes, is to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with previous approval of the Executive Council and the Ordinances so made may also be amended or repealed at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

27. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual
report.

28. (1) The annual report of the University shall be prepared under the directions of Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

(2) The Court shall submit the annual report to the Central Government along with its comments, if any.

(3) The Central Government shall, as soon as may be, cause a copy of the annual report to be laid before both the Houses of Parliament.

Annual
accounts.

29. (1) The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Central Government along with the observations of the Executive Council.

(3) Any observations made by the Central Government on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Central Government.

(4) The Central Government shall, as soon as may be, cause the copy of the annual accounts together with the audit report to be laid before both the Houses of Parliament.

(5) The audited annual accounts after having been laid before both the Houses of Parliament shall be published in the Official Gazette.

30. (1) There shall be a University Fund which shall include—

Fund of
University.

(a) any contribution or grant made by the University Grants Commission or the Central Government;

(b) any contribution or grant made by the State Government;

(c) any contribution made by Government, semi-Government or autonomous bodies;

(d) any loans, gifts, bequests, donations, endowments or other grants, if any;

(e) income received by the University from fees and charges;

(f) the moneys received by the University from the collaborating industries in terms of the provisions of the Memorandum of Understanding entered between the University and the industry for the establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and

(g) amounts received in any other manner from any other source.

(2) All funds of the University shall be deposited in such banks or invested in such manner as the Board may decide on the recommendation of the Finance Committee.

(3) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions by or under this Act.

31. The University shall furnish to the Central Government such returns or other information with respect to its property or activities, within such period, as the Central Government may, from time to time, require.

Returns and
information.

32. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

Conditions of
service of
employees,
etc.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Central Government.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of judicial remedies available under articles 32 and 226 of the Constitution.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

33. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the

Procedure of
appeal and
arbitration in
disciplinary
cases against
students.

Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

Right to
appeals.

34. Every employee or student of the University or of a College or an Institution or a Regional Centre or a Study Centre established or maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal to the Executive Council within such time, as may be prescribed by the Statutes, against the decision of any officer or authority of the University, or of the Principal or the management of any College or Institution or Regional Centre or Study Centre, as the case may be, and thereupon, the Executive Council may confirm, modify or reverse the decision appealed against.

Provident and
pension funds.

35. (1) The University shall constitute for benefit of its employees such provident fund or any other similar fund or provide such insurance schemes, as it may deem fit, in such manner and subject to such conditions, as may be prescribed by the Statutes.

(2) Where such provident fund or other similar fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 shall apply to such fund, as if it were a Government provident fund.

Disputes as to
constitution
of authorities
and bodies.

36. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Central Government whose decision thereon shall be final.

Filling of
casual
vacancies.

37. All casual vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the persons appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings
of authorities
or bodies not
invalidated by
vacancies.

38. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Protection of
action taken
in good faith.

39. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Mode of
proof of
University
record.

40. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

Power to
remove
difficulties.

41. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

42. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

Statutes,
Ordinances
and
Regulations to
be published in
the Official
Gazette and to
be laid before
Parliament.

(2) Every Statute, Ordinance or Regulation made under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinances or Regulations or both Houses agree that the Statute, Ordinances or Regulations should not be made, the Statute, Ordinances or Regulations shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the Statute, Ordinances or Regulations.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statutes, Ordinances or Regulations so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

43. Notwithstanding anything contained in this Act and the Statutes,—

Transitional
provisions.

(a) the first Vice-Chancellor shall be appointed by the Central Government in such manner and on such conditions as may be deemed fit and the said officer shall hold office for such term, not exceeding five years, as may be specified by the Central Government;

(b) the first Registrar and the first Finance Officer shall be appointed by the Central Government and each of the said officers shall hold office for a term of three years;

(c) the first Court and the first Executive Council shall consist of not more than thirty-one members and eleven members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years; and

(d) the first Academic and Activity Council shall consist of not more than twenty-one members, who shall be nominated by the Central Government and they shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Central Government and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

THE SCHEDULE

[See section 25(1)]

The Statutes of the University

Chancellor. 1. (1) The Chancellor shall be appointed by the Central Government from a panel of names of not less than three persons recommended by the Executive Council:

Provided that if the Central Government does not approve any of the persons included in the panel, it may call for an extended fresh panel.

(2) The Chancellor shall be an eminent person in the field of Water who shall either be a Water person himself or a Water Administrator or a Water Academician.

(3) The Chancellor shall hold office for the term of five years and shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

Vice-Chancellor. 2. (1) The Vice-Chancellor shall be appointed by the Central Government from out of a panel of names recommended by a Committee as constituted under clause (2):

Provided that if the Central Government does not approve any of the persons included in the panel, it may call for an extended fresh panel.

(2) The Committee referred to in clause (1) shall consist of five persons, out of whom three shall be nominated by the Executive Council and two by the Central Government, and one of the nominees of the Central Government shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or of a College or Institution or Regional Centre or Study Centre established or maintained by the University or a member of any authority of the University.

(3) The Vice-Chancellor shall be a whole-time salaried officer of the University.

(4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall not be eligible for re-appointment:

Provided that notwithstanding the expiry of the said period of five years, he shall continue in office until his successor is appointed and enters upon his office:

Provided further that the Central Government may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by it:

Provided also that when the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or, as the case may be, due to illness or such other cause, the Executive Council may appoint the senior-most Dean to perform the functions of the Vice-Chancellor until a new Vice-Chancellor is appointed or, as the case may be, the existing Vice-Chancellor resumes his duties.

(5) Notwithstanding anything contained in clause (4), the Central Government may, at any time after the Vice-Chancellor has entered upon his office, by an order in writing, remove the Vice-Chancellor from office on grounds of incapacity, misconduct or violation of statutory provisions:

Provided that no such order shall be made by the Central Government unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided further that the Central Government may, at any time before making such order, place the Vice-Chancellor under suspension, pending enquiry.

(6) (a) The Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence throughout his term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence.

(b) The Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Central Government from time to time:

Provided that where an employee of the University or of a College, Institution, Regional Centre or Study Centre established or maintained by the University, or of any other University or any College or Institution admitted to the privileges of the University or such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been a member of any pension scheme, the University shall make the necessary contribution to such scheme.

(c) The Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council.

(d) The Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service.

(e) In addition to the leave referred to in sub-clause (d), the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certificate:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

3. (1) The Vice-Chancellor shall be ex officio Chairman of the Executive Council, the Academic and Activity Council and the Finance Committee and shall, in the absence of the Chancellor, preside at the Convocations held for conferring degrees and at meetings of the Court.

Power and
duties of
Vice-
Chancellor.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Executive Council, the Academic and Activity Council and the Finance Committee.

Deans of
Schools.

4. (1) Every Dean of School shall be appointed by the Vice-Chancellor from amongst the Professors in the School by rotation in order of seniority for a period of three years:

Provided that in case there is only one Professor or no Professor in a School, the Dean shall be appointed, for the time being, from amongst the Professor, if any, and the Associate Professors in the School, by rotation in the order of seniority:

Provided further that a Dean on attaining the age of sixty-five years shall cease to hold office as such.

(2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the senior-most Professor or Associate Professor, as the case may be, in the School.

(3) The Dean shall be the Head of the School and shall be responsible for the conduct and maintenance of the standards of teaching and research in the School and shall have such other functions as may be prescribed by the Ordinances.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Water Studies or Committees of the School, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

Registrar.

5. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be whole-time salaried officer of University.

(2) The Registrar shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Registrar shall retire on attaining the age of sixty-two-years.

(4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers and other academic staff, as may be specified in the order of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing any of the penalties specified in sub-clause (a).

(c) In a case where the inquiry discloses that a punishment beyond the power of the Registrar is called for, the Registrar shall, upon the conclusion of the inquiry, make a report to the Vice-Chancellor along with his recommendation:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(6) The Registrar shall be *ex officio* Secretary of the Executive Council and the Academic and Activity Council, but shall not be deemed to be member of either of these authorities and he shall be *ex officio* Member-Secretary of the Court.

(7) It shall be the duty of the Registrar—

(a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the Court, the Executive Council, the Academic and Activity Council and of any Committee appointed by those authorities;

(c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic and Activity Council and of any Committees appointed by those authorities;

(d) to conduct the official correspondence of the Court, the Executive Council and the Academic and Activity Council;

(e) to supply to the Central Government, copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(f) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and

(g) to perform such other duties as may be specified in the Statutes, the Ordinances or Regulations or as may be required from time to time by the Executive Council.

6. (1) The Finance Officer shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University. Finance Officer.

(2) The Finance Officer shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Finance Officer shall retire on attaining the age of sixty- two years.

(4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Finance Officer shall be ex officio Secretary of the Finance Committee, but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall—

(a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and

(b) perform such other financial function as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances.

(7) Subject to the control of the Executive Council, the Finance Officer shall—

(a) hold and manage the property and investments of the University including trust and endowed property;

(b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;

(d) keep a constant watch on the state of the cash and bank balances and on the state of investments;

(e) watch the progress of the collection of revenues and advise on the methods of collection employed;

(f) ensure that the registers of buildings, land, furniture and equipment are maintained up to date and that stock-checking is conducted, of equipment and other consumable materials in all offices, Departments, Centres and Specialised Laboratories;

(g) bring to the notice of the Vice-Chancellor any unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and

(h) call for, from any office, Department, Centre, Laboratory, College, Institution, Regional Centre or Study Centre established or maintained by the University, any information or returns that he may consider necessary for the performance of his duties.

(8) Any receipt given by the Finance Officer or the person or persons duly authorised in this behalf by the Executive Council for any money payable to University shall be sufficient discharge for payment of such money.

Controller of
Examinations.

7. (1) The Controller of Examinations shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Controller of Examinations shall be appointed for a term of five years and shall be eligible for re-appointment.

(3) The emoluments and other terms and conditions of service of the Controller of Examinations shall be such as maybe prescribed by the Executive Council from time to time:

Provided that the Controller of Examinations shall retire on attaining the age of sixty-two years.

(4) When the officer of the Controller of Examinations is vacant or when the Controller of Examinations is, by reason of illness, absence or any other cause, unable to perform the duties of his office, such duties shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(5) The Controller of Examinations shall arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances.

Librarian.

8. (1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

Constitution
and meetings
of Court.

9. (1) The Court shall consist of the following members who shall hold office for a period of three years, namely:—

(a) Ex officio Members:—

(i) the Chancellor;

(ii) the Vice-Chancellor;

(iii) the Proctor;

- (iv) the Deans of Schools;
- (v) the Dean of Students' Welfare;
- (vi) the Finance Officer;
- (vii) one Senior Warden, by rotation;
- (viii) the Librarian of the University;
- (ix) the President, Alumni Association;

(b) Other Members:

(i) Heads of Departments or Professors who are members of the Academic and Activity Council;

(ii) one representative from each institution recognised by the university, nominated by the Vice-Chancellor on recommendations of the Head of the Institution;

(iii) not more than four persons from amongst eminent Water scientists, Water academicians and Water administrators to be nominated by the Central Government;

(iv) not more than two persons representing Water industry, to be nominated by the Central Government;

(v) not more than ten persons from amongst eminent Water persons and highly recognised coaches to be nominated by the Central Government;

(c) the Registrar, who shall be the ex officio Member Secretary.

(2) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

(3) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and financial estimates for the next year shall be presented.

(4) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.

(5) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor or if there is no Vice-Chancellor, by the Registrar.

(6) Eleven members of the Court shall form a quorum for a meeting of the Court.

10. Seven members of the Executive Council shall form a quorum for a meeting of the Executive Council.

Quorum for meeting of Executive Council.

11. (1) The Executive Council shall consist of the following members to be nominated by the Central Government who shall hold office for a period of two years, namely:—

Constitution, powers and functions of Executive Council.

(a) Ex officio Members:

- (i) the Vice-Chancellor;
- (ii) the Proctor;
- (iii) the Deans of Students' Welfare;
- (iv) the Additional Secretary and Financial Advisor, Ministry of Youth Affairs and Sports;

(v) the Joint Secretary, Ministry of Youth Affairs and Water;

(vi) the Deans of Schools;

(b) Other Members:

(i) three Senior Professors by rotation;

(ii) four persons from amongst Water scientists, Water administrators, eminent Water persons and distinguished coaches.

(2) The Executive Council shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(3) Subject to the provision of this Act, the Statutes and the Ordinances, the Executive Council Shall, in addition to all other powers vested in it, have the following powers, namely:—

(i) to create teaching and other academic posts including Chairs, to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Associate Professors, Assistant Professors and other academic staff:

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff otherwise than after consideration of the recommendations of the Academic and Activity Council;

(ii) to appoint such Professors, Associate Professors, Assistant Professors and other academic staff including Chair, as may be necessary, on the recommendation of the Selection Committee constituted for the purpose and to fill up temporary vacancies therein;

(iii) to promote interfacial research by making joint appointments of teaching staff in different Schools, Departments and Centres;

(iv) to create administrative, ministerial and other necessary posts and to define their duties and conditions of their service and to make appointments thereto in the manner prescribed by the Ordinances;

(v) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor, and to make necessary arrangements for the discharge of the functions of such officer during his absence;

(vi) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;

(vii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(viii) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;

(ix) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, share or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;

(x) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(xi) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(xii) to enter into, vary, carry out and cancel contracts on behalf of the University;

(xiii) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved;

(xiv) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic and Activity Council;

(xv) to select a common seal for the University and provide for the use of such seal;

(xvi) to make such special arrangements as may be necessary for the residence of women students;

(xvii) to institute fellowships, scholarships, studentships, medals and prizes;

(xviii) to provide for the appointment of Visiting Professors, Emeritus Professors, Consultants and Scholars and determine the terms and conditions of such appointments;

(xix) to enter into partnership with industry and non-Government agencies for the advancement of knowledge and establish a corpus of funds out of the profits of such partnership; and

(xx) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or this Statutes.

12. (1) The members of the Academic and Activity Council shall include water research scientists who have achieved distinction in the area of aquaculture.

Members of Academic and Activity Council and quorum for meeting.

(2) Nine members of the Academic and Activity Council shall form quorum for the meeting of the Academic and Activity Council.

13. (1) Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic and Activity Council shall, in addition to all other powers vested in it, have the following powers, namely:—

Powers and functions of Academic and Activity Council.

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, co-ordination of teaching among the Colleges, Institutions, Regional Centres and Study Centres and evaluation of research and improvement of academic standards;

(b) to bring about and promote inter-School co-ordination and to establish or appoint such committees or boards as may be deemed necessary for the purpose;

(c) to consider matters of general academic interest either on its own initiative, or on a reference by a School or the Executive Council, and to take appropriate action thereon;

(d) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functioning of the University, discipline, residence, admissions, award of fellowships and studentships, fees, concessions, corporate life and attendance.

14. (1) The University shall have such Schools of Studies as may be specified in the Statutes.

Schools of Studies and Departments.

(2) Every School shall have a School Board and the members of the first School Board shall be nominated by the Executive Council for a period of three years.

(3) The composition, powers and functions of a School Board shall be prescribed by the Ordinances.

(4) The conduct of the meetings of a School Board and the quorum required for such meetings shall be prescribed by the Ordinances.

(5) (a) Every School shall consist of such Departments as may be assigned to it by the Ordinances:

Provided that the Executive Council may, on the recommendation of the Academic and Activity Council, establish Centers of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

(b) Each Department shall consist of the following members, namely:—

(i) teachers of the Department;

(ii) persons conducting research in the Department;

(iii) Dean of the School;

(iv) Honorary Professors, if any, attached to the Department; and

(v) such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

Board of
Water Studies.

15. (1) Each Department shall have a Board of Water Studies.

(2) The term of office of the Board of Water Studies and of its members shall be prescribed by the Ordinances.

(3) Subject to the overall control and supervision of the Academic and Activity Council, the functions of a Board of Water Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned School Board in the manner prescribed by the Ordinances,—

(a) courses of studies and appointment of examiners for courses, but excluding research degrees;

(b) appointment of supervisors for research; and

(c) measures for the improvement of the standard of teaching and research:

Provided that the above functions of a Board of Water Studies shall, during the period of three years immediately after the commencement of this Act, be performed by the Department.

Finance
Committee.

16. (1) The Finance Committee shall consist of the following members, namely:—

(i) the Vice-Chancellor;

(ii) one person to be nominated by the Court;

(iii) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and

(iv) three persons to be nominated by the Central Government.

(2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.

(3) All the members of the Finance Committee, other than ex officio members, shall hold office for a term of three years.

(4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.

(5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.

(6) All proposals relating to creation of posts, and those items which have not been included in the budget, shall be examined by the Finance Committee before they are considered by the Executive Council.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).

17. (1) There shall be Selection Committees for making recommendations to the Executive Council for appointment to the post of professor, Associate Professor, Assistant Professor, Registrar, Finance Officer, Controller of Examinations, Librarian and Principals of Colleges, Institutions, Regional Centres and Study Centres established or maintained by the University.

Selection
Committees.

(2) The Selection Committee for appointment to the posts specified in column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Central Government and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

1	2
Professor.	<p>(i) The Dean of the School.</p> <p>(ii) The Head of the Department, if he is a Professor.</p> <p>(iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic and Activity Council for their special knowledge of, or interest in, the subject with which the Professor will be concerned.</p>
Associate Professor/ Assistant Professor.	<p>(i) The head of the Department.</p> <p>(ii) One Professor nominated by the Vice-Chancellor.</p> <p>(iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic and Activity Council for their special knowledge of, or interest in, the subject with which the Associate Professor or Assistant Professor will be concerned.</p>
Registrar/ Finance Officer/ Controller of Examination.	<p>(i) Two members of the Executive Council nominated by it.</p> <p>(ii) One person not in the service of the University nominated by the Executive Council.</p>
Librarian.	<p>(i) One person not in the service of the University who has special knowledge of the subject of the Library Science or Library Administration nominated by the Executive Council.</p>

1	2
	(ii) One person not in the service of the University nominated by the Executive Council.
Principal of College or Institution maintained by the University.	Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic and Activity Council for their special knowledge of, or interest in, a subject in which instruction is being provided by the College or Institution.

Note 1: Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

Note 2: The Professor to be nominated by the Vice-Chancellor shall be a Professor concerned with the speciality for which the selection is being made and the Vice-Chancellor shall consult the Head of the Department and the Dean of the School before nominating the Professor.

(3) The Vice-Chancellor shall convene and preside at the meeting of the Selection Committee:

Provided that the meeting of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of the Central Government's nominee and the experts nominated by the Executive Council:

Provided further that the proceedings of the Selection Committee shall not be valid unless,—

(a) where the number of the Central Government's nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

(b) where the number of the Central Government's nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.

(4) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.

(5) If the Executive Council is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Central Government for final orders.

(6) (a) Appointments to temporary posts shall,—

(i) if the temporary vacancy is for duration longer than one academic session, be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses:

Provided that if the Vice-Chancellor is satisfied that in the interests of work it is necessary to fill the vacancy, the appointment may be made on a purely temporary basis on the advice of a local Selection Committee referred to in sub-clause (ii) for a period not exceeding six months;

(ii) if the temporary vacancy is for a period less than a year, be made on the recommendation of a local Selection Committee consisting of the Dean of the School concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor:

Provided further that in the case of sudden casual vacancies of teaching posts caused by death or any other reason, the Dean may, in consultation with the Head of the Department concerned, make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment.

(b) No teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment, unless he is subsequently selected by a local Selection Committee or a regular Selection Committee, for a temporary or permanent appointment, as the case may be.

18. (1) Notwithstanding anything contained in Statute 17, the Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other equivalent academic post in the University on such terms and conditions as it deems fit and on the person agreeing to do so appoint him to the post:

Special mode
of
Appointment.

Provided that the Executive Council may also create supernumerary posts for a specified period for appointment of such persons:

Provided further that the number of supernumerary posts so created should not exceed five per cent. of the total posts in the University.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

19. The Executive Council may appoint a person selected in accordance with the procedure laid down in Statute 17 for a fixed tenure on such terms and conditions as it deems fit.

Appointment
for fixed
tenure.

20. (1) An authority of the University may appoint as many standing or special committees as it may deem fit, and may appoint to such committees persons who are not members of such authority.

Committees.

(2) A committee appointed under clause (1) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

21. (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and
conditions of
service and
code of
conduct of
teachers, etc.

(2) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.

(3) Every teacher and member of the academic staff of the University shall be appointed on a written contract, the form of which shall be prescribed by the Ordinances.

(4) A copy of every contract referred to in clause (3) shall be deposited with the Registrar.

22. (1) All the employees of the University, other than the teachers and other academic staff shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.

Terms and
conditions of
service and
code of
conduct of
other
employees.

(2) The manner of appointment and emoluments of employees, other than the teachers and other academic staff, shall be such as may be prescribed by the Ordinances.

23. (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and in accordance with such other principles as the Executive Council may, from time to time, prescribe.

Seniority list.

(2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).

(3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.

Removal of
employees of
University.

24. (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University, the Vice-Chancellor, in the case of the teacher or a member of the academic staff, and the authority competent to appoint (hereinafter referred to as the appointing authority) in the case of other employee may, by order in writing, place such teacher, member of the academic staff or other employee, as the case may be, under suspension and shall forthwith report to the Executive Council the circumstances in which the order was made:

Provided that the Executive Council may, if it is of the opinion, that the circumstances of the case do not warrant the suspension of the teacher or a member of the academic staff, revoke such order.

(2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or other employee, as the case may be, on grounds of misconduct.

(3) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

(4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

(6) Notwithstanding anything contained in the foregoing provisions of the Statute, a teacher, member of the academic staff or other employee may resign,—

(a) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;

(b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

Honorary
degrees.

25. (1) The Executive Council may, on the recommendation of the Academic and Activity Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Central Government for the conferment of honorary degrees:

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Central Government, any honorary degree conferred by the University.

26. The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw a degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Withdrawal of degrees, etc.

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

27. (1) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in Vice-Chancellor.

Maintenance of discipline amongst students of University.

(2) There shall be Proctor of the University to assist the Vice-Chancellor in the exercise of the powers referred to in clause (1), who shall be appointed by the Executive Council from amongst the Professors and Associate Professors in the manner prescribed by the Ordinances.

(3) The Vice-Chancellor may delegate all or any of the powers referred to in clause (1), as he deems proper, to the Proctor and to such other officers as he may specify in this behalf.

(4) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Regional Centre or a Department or a School of the University for a stated period, or be punished with fine for an amount to be specified in the order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or Regional Centre or Department or a School for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be withheld or cancelled.

(5) The Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Schools and teaching Departments in the University, as may be necessary for the proper conduct of such Colleges, Institutions, Schools and teaching Departments.

(6) Without prejudice to the powers of the Vice-Chancellor and the Principals and other persons specified in clause (5), detailed rules of discipline and proper conduct shall be made by the University and the Principals of Colleges, Institutions, Deans of Schools of Studies and Heads of teaching Departments in the University may also make such supplementary rules as they deem necessary for the purposes stated therein.

(7) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.

28. Convocations of the University for the conferring of degrees or for other purposes shall be held in such manner as may be prescribed by the Ordinances.

Convocations.

Acting Chairman of meetings.	29. Where no provision is made for Chairman to preside over a meeting of any authority of the University or any Committee of such authority or when the Chairman so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.
Resignation.	30. Any member, other than an ex officio member of the Court, the Executive Council, the Academic and Activity Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.
Disqualification.	<p>31. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities, or for being appointed as, and for being, an officer, of the University if—</p> <ul style="list-style-type: none"> (i) he is of unsound mind; (ii) he is an undischarged insolvent; or (iii) he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months. <p>(2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (1), the question shall be referred to the Central Government and its decision shall be final and no suit or other proceeding shall lie in any civil court against such decision.</p>
Residence conditions for membership and office.	32. Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.
Membership of authorities by virtue of membership of other bodies.	33. Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.
Alumni Association.	<p>34. (1) There shall be an Alumni Association for the University.</p> <p>(2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.</p> <p>(3) No member of the Alumni Association shall be entitled to vote or stand for election unless he has been a member of the Association for at least one year prior to the date of election and is a degree holder of the University of at least five years standing:</p> <p>Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.</p>
Students Council.	<p>35. (1) There shall be constituted in the University, a Students' Council for every academic year, consisting of,—</p> <ul style="list-style-type: none"> (i) the Dean of Students' Welfare who shall be the Chairman of the Students' Council; (ii) twenty students to be nominated by the Academic and Activity Council on the basis of merit in studies, Water and extra-curricular activities; and (iii) twenty students to be elected by the students as their representatives: <p>Provided that any student of the University shall have the right to bring up any matter concerning the University before the Students' Council, if so permitted by the</p>

Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

(2) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of importance, in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.

(3) The Students' Council shall meet at least twice in every academic year and the first meeting of the Council be held in the beginning of the academic session.

36. (1) The first Ordinances made under sub-section (2) of section 26 may be amended or repealed at any time by the Executive Council in the manner specified in the following clauses.

Ordinances
how to be
made.

(2) No Ordinances in respect of the matters enumerated in sub-section (1) of section 26 of this Act shall be made by the Executive Council unless a draft of such Ordinances has been proposed by the Academic and Activity Council.

(3) The Executive Council shall not have power to amend any draft of any Ordinances proposed by the Academic and Activity Council under clause (2), but may reject the proposal or return the draft to the Academic and Activity Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.

(4) Where the Executive Council has rejected or returned the draft of an Ordinances proposed by the Academic and Activity Council, the Academic and Activity Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half of the total number of members of the Academic and Activity Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Central Government whose decision shall be final.

(5) Every Ordinance made by the Executive Council shall come into effect immediately.

(6) Every Ordinance made by the Executive Council shall be submitted to the Central Government within two weeks from the date of its adoption.

(7) The Central Government shall have the power to direct the University to suspend the operation of any Ordinance.

(8) The Central Government shall inform the Executive Council about its objection to the Ordinances referred to in clause (7) and may, after receiving the comments of the University, either withdraw the order suspending the Ordinances or disallow the Ordinances, and its decision shall be final.

37. (1) The authorities of the University may make Regulations consistent with this Act, the Statutes and the Ordinances for the following matters, namely:—

Regulations.

(i) laying down the procedure to be observed at their meeting and the number of members required to form a quorum;

(ii) providing for all matters which are required by this Act, the Statutes or the Ordinances, to be prescribed by Regulations; and

(iii) Providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by this Act, the Statutes or the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meeting and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify of any Regulation made under the Statutes or the annulment of any such Regulation.

Delegation of
powers.

38. Subject to the provisions of this Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

STATEMENT OF OBJECTS AND REASONS

The National Water University will be the first full-fledged water university in India of international standards. A void exists in the water environment of the country in various areas, such as, water science, water technology, water resource management, aquaculture, high performance training in water science, etc. Therefore, it is proposed to establish the National Water University which is expected to fill this void with its exclusive focus on creation of high standard infrastructure for the development of water sciences and training of research scholars apart from providing Bachelor's Degree, Master's Degrees and Research and Training in various areas related to aquaculture.

2. Consistent with international practices followed by best water research universities in the world, the focus of the University will be on multi-disciplinary studies and accordingly, have functionally related Schools with stress on applicability based on the latest researches in water sciences, aquaculture and water technology. The University will address issues relating to various disciplines of great importance at international levels. The University is also empowered to establish Outlying Campuses throughout the country and also outside India. Apart from academic programmes and research, the University and its Outlying Campuses will also impart training to elite scholars, water research scientists, experts and evolve as centres of excellence in various disciplines of aquaculture.

Hence, this Bill.

NEW DELHI;
February 28, 2022.

UNMESH BHAIYYASAHEB PATIL

FINANCIAL MEMORANDUM

Sub-clause (1) of clause 3 of the Bill provides for the establishment of a University by the name of "National Water University" with its headquarters in the State of Maharashtra.

2. The total expenditure towards establishment of the University is estimated to be 824 crore rupees which will include expenditure for the establishment of Outlying Campuses.

3. Out of the total expenditure of 824 crore rupees, the non-recurring expenditure is estimated to be 742 crore rupees and the recurring expenditure is estimated to be 82 crore rupees.

4. The Bill does not involve any other expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 25 of the Bill provides that the first Statutes are those set out in the Schedule to this Bill. Sub-clause (4) of clause 25 of the Bill provides that the Central Government may make new or additional Statutes or amend or repeal the first Statutes during the period of three years immediately after the commencement of the Bill. It further provides that on the expiry of the period of three years, the Central Government may make, within one year from the date of such expiry, such detailed Statutes as it may consider necessary. Clause 24 of the Bill provides for the matters in respect of which the Statutes may be made.

2. Sub-clause (1) of clause 26 of the Bill provides for the matters in respect of which the Ordinances may be made which include, inter alia, admission of students, courses of study, medium of instructions, award of degrees, diplomas, etc., fees charged for the courses, conditions for award of fellowships, scholarships, etc., conduct of examinations, conditions of residence of students, special arrangements, if any, for the residence and teaching of women students, establishment of centres of studies, collaboration with other universities and institutions, creation of any other body considered necessary, institution of fellowships, setting up machinery for redressal of grievances and any other matter that may be provided for by the Ordinances. Sub-clause (2) of clause 26 of the Bill provides that the first Ordinances shall be made by the Vice-Chancellor with previous approval of the Executive Council and the Ordinances so made may also be amended repealed or at any time by the Executive Council in the manner prescribed by the Statutes.

3. Clause 27 of the Bill empowers the University to make Regulations consistent with the Bill, the Statutes and the Ordinances for the conduct of its own business and that of the Committees, if any, appointed by them and not provided for by the Bill, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

4. The matters in respect of which the Statutes, Ordinances and Regulations may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

XXXXIII

BILL NO. 90 OF 2022

A Bill to provide for the welfare and protection of agricultural workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Agricultural Workers (Welfare and Protection) Act, 2022.

Short title
and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “adult” means a person who has completed eighteen years of age;

(b) “agriculture” with all its grammatical variations and cognate expressions, includes floriculture, horticulture, sericulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, stock breeding, cutting of wood or grass, gathering of fruit, raising of man-made forest or rearing of seedlings or plants;

(c) “agricultural dispute” means any dispute or difference between landowners and landowners or between landowners and agricultural workers or between agricultural workers and agricultural workers which is connected with the employment or unemployment or the terms of employment with the conditions of labour, of any person:

Provided that where any landowner discharges, dismisses, retrenches or otherwise terminates the services of, or denies employment to, an individual agricultural worker, any dispute or difference between that agricultural worker, and his employer connected with, or arising out of, such discharge dismissal, retirement, termination or denial of employment shall be deemed to be an agricultural dispute notwithstanding that no other agricultural worker nor any union of agricultural workers is a party to the dispute;

(d) “Agriculture Tribunal” means the Agricultural Tribunals constituted under section 4;

(e) “Agriculture Welfare Officer” means an officer appointed under section 6;

(f) “agricultural workers” means a person who follows one or more of the agricultural occupations as notified by the Central Government in consultation with State Government in the Schedule in the capacity of labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind;

(g) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(h) “Conciliation Officer” means the conciliation officer appointed under section 3;

(i) “Fund” means the Agriculture Worker’s Welfare Fund constituted under section 7;

(j) “prescribed” means prescribed by rules made under this Act; and

(k) “Scheme” means the Scheme for the Welfare of Agricultural Workers formulated under section 8.

CHAPTER II

OFFICERS AND AGRICULTURAL TRIBUNAL

Appointment
of Conciliation
Officers.

3. The appropriate Government may, by notification in the Official Gazette, appoint any officer of the Labour Department not below the rank of Assistant Labour Officer to be a Conciliation Officer for any area specified therein for the purpose of performing the functions entrusted to a Conciliation Officer by or under this Act.

Constitution
of Agricultural
Tribunal.

4. (1) The appropriate Government may, by notification in the Official Gazette, constitute an Agricultural Tribunal for any area specified therein for the purpose of performing the functions of the Agricultural Tribunal under this Act.

(2) An Agricultural Tribunal shall consist of a sole member, who shall be an officer not below the rank of Deputy Collector to be appointed by the appropriate Government in such manner as may be prescribed.

(3) The Central Government in consultation with the State Government may prescribe rules for the procedure and functions of the Agricultural Tribunal.

5. (1) The appropriate Government may, by notification in the Official Gazette, appoint—

Appointment of Inspectors.

(a) such number of its officers, or

(b) such number of persons possessing the prescribed qualification, as it deems fit,

to be inspectors for carrying out the purposes of this Act and define the local limits within such inspectors shall exercise their powers.

(2) The appropriate Government shall prescribe powers and rules for making an entry on land, inspection, examination or inquiry under this Act by the inspectors appointed under sub-section (1).

CHAPTER III

AGRICULTURAL WORKERS' WELFARE FUND

6. The appropriate Government shall, by notification in the Official Gazette, appoint a Agricultural Welfare Officer for carrying out the purpose of this Chapter.

Appointment of Agricultural Welfare Officer.

7. (1) The Central Government shall, in consultation with the State Government, constitute a Fund to be known as the Agricultural Workers' Welfare Fund to which the Central Government and the State Governments shall contribute in such a ratio as may be prescribed.

Constitution of Agricultural Workers' Welfare Fund.

(2) The Fund constituted under sub-section (1) shall be utilised to give effect to the provisions of this Act.

8. (1) The Central Government shall, in consultation with the State Governments, as soon as may be, but not later than one year from the commencement of this Act, formulate a scheme for the Welfare of Agricultural workers.

Formulation of a scheme for the welfare of Agriculture worker.

(2) Without prejudice to the generality of the foregoing provision, the Scheme shall provide for the agricultural workers,—

(i) a comprehensive insurance scheme;

(ii) old age pension;

(iii) free health care facilities; and

(iv) payment of compensation in cases of accident during agricultural operations.

9. (1) Each State Government shall, in consultation with the Central Government, by notification in the Official Gazette, constitute with effect from such date as may be specified in the notification a Board to be called the Agricultural Workers' Welfare Fund Board for the administration of the Fund.

Constitution of Agricultural Workers' Welfare Fund Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Board shall consist of—

(a) a Chairperson to be appointed by the Central Government having experience of at least ten years in the field of farmers welfare, agriculture or rural development;

(b) a Deputy Chairperson to be appointed by the State Government having experience of at least seven years in the field of farmers welfare, agriculture or rural development;

(c) two members of Parliament of whom one shall be from the House of the People and the other member from the Council of States to be nominated by the Presiding Officers of the Houses concerned:

Provided that the Member from the Council of States shall be appointed in such a manner that he is in the Board of the State he has been elected from;

(d) two members from the Legislative Assembly of the State in which the State Government has notified for the constitution of the Board:

Provided that in the State having Legislative Council one of the members shall be from the Council;

(e) a Central Agricultural Welfare Officer to be appointed by the Central Government in such manner as may be prescribed;

(f) a State Agricultural Welfare Officer to be appointed by the State Government in such manner as may be prescribed; and

(g) a member from the field of law, economics or agriculture with requisite qualifications who has been recommended and appointed by the State Government in consultation with the Central Government.

(4) The salary and allowances payable to, and other term of office of, and the manner of filling casual vacancies among, the members of the Board shall be such as may be prescribed.

(5) The names of the Chairperson, the Deputy Chairperson and the members, shall be published in the Official Gazette.

Utilisation of
the Fund.

10. The Fund shall be utilised for the following purposes, namely:—

(i) payment of unemployment or sustenance allowance to agricultural workers during off season period;

(ii) free health facilities for the agricultural workers and their families in the hospitals to be set up for the purpose;

(iii) free educational facilities to the children of agricultural workers;

(iv) payment of compensation of workers who sustain injuries during work;

(v) payment of compensation to families of workers who die in harness;

(vi) payment of premium for group life insurance cover of workers;

(vii) payment of disability allowance in case of accident at workplace and the agricultural worker is not able to work further;

(viii) payment of old age pension to those workers who have attained sixty years of age and are not gainfully employed;

(ix) provision of suitable facilities like canteen, health, recreation, water etc. at work places;

(x) payment of bonus to workers; and

(xi) payment of maternity benefit and establishment of creche facilities for the female agricultural workers covered under this Act.

CHAPTER IV

RIGHTS OF AGRICULTURAL WORKERS

Hours of
Work.

11. Save as otherwise expressly provided in this Act, no adult agricultural worker shall be required to work for more than eight hours in any day:

Provided that nothing contained in this section shall be deemed to prohibit an agreement between the landowner and the agricultural workers for working for less than eight hours as the case may be, on any particular day or days or on all days of employment or to affect any custom or practice prevailing in the locality under which the agricultural worker is required to work for less than eight hours, as the case may be.

12. The period of work on each day shall be so fixed that no period shall exceed four hours and that no agricultural worker shall work for more than four hours before he has had an interval for rest for at least half an hour.

Daily intervals for rest.

13. (1) Every landowner shall pay to any agricultural worker employed by him the prescribed wages for each day of work done.

Minimum Wage payable to agricultural workers.

(2) The Central Government in consultation of State Government may, from time to time, by notification in the Gazette, fix the number of hours of work which shall constitute a normal working day for the purposes of sub-section (1) either for the whole State or any part thereof:

Provided that where the Government have fixed the number of hours of work which shall constitute a normal working day in respect of any of the categories of agricultural workers in the employment in agriculture under Section 8 of the Code of Wages, 2019, the hours of work so fixed shall, until a notification is issued under this sub-section, be deemed to have been fixed under this sub-section.

14. (1) If any landowner pays less than the prescribed wages or refuses to pay the prescribed wages to any agricultural worker, the agricultural worker or an official of the union of which he is a member may make an application to the Conciliation Officer appointed under section 3 for a direction under sub-section (2).

Enforcement of payment of prescribed wages.

(2) On receipt of an application under sub-section (1), the Conciliation Officer shall, after giving the applicant and the landowner an opportunity of being heard and after such inquiry, if any, which he may consider necessary, direct,—

(a) in the case of a claim arising out of the payment of less than the prescribed wages, the payment to the agricultural worker of the amount by which the prescribed wages payable to him exceeds the amount actually paid by the landowner;

(b) in the case of a claim arising out of non-payment of prescribed wages, the payment of the prescribed wages to the agricultural worker.

(3) An appeal against the decision of the Conciliation Officer shall lie before the Agricultural Tribunal constituted under section 4 in such manner as may be prescribed.

CHAPTER V

DISPUTES

15. (1) Where an agricultural dispute exists or is apprehended, the Conciliation Officer may hold conciliation proceedings and shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the same and all matters affecting the merits and the right settlement thereof and may do all such things, as he thinks fit, for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

Settlement of Agricultural Disputes.

(2) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of conciliation proceedings, the Conciliation Officer shall send a report thereof to the District Labour Officer together with a memorandum of settlement signed by the parties to the dispute.

(3) If no such settlement is arrived, at the Conciliation Officer shall as soon as practicable after the close of the investigation, send to the District Collector through the District Labour Officer a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at:

Provided that in a case where the agricultural dispute relates to an agricultural land situated within the local limits of more than one revenue district, the Conciliation Officer shall send the report to the District Collector in whose jurisdiction the major portion of such land is situated.

(4) If on a consideration of the report referred to in sub-section (3), the District Collector is satisfied that there is a case for reference to an Agricultural Tribunal, he may, by order in writing, refer the agricultural dispute to the said Tribunal for adjudication, and where the District Collector does not make such a reference, he shall record and communicate to the parties concerned his reasons therefore.

(5) Where an agricultural dispute has been referred to an Agricultural Tribunal under sub-section (4), the Tribunal shall hold its proceedings expeditiously and shall, as soon as practicable after the conclusion of the proceedings, but not later than thirty days from the date of receipt of the reference by the Tribunal, submit its award to the District Collector.

(6) The District Collector shall, within a period of fifteen days from the date of receipt of the award referred to in sub-section (5), cause the same to be published in his office and in the office of the Agricultural Tribunal in such manner as may be prescribed and shall also forward copies of the award to the parties concerned.

Appeal.

16. (1) Against any order passed by a Conciliation Officer under section 15, an appeal shall lie to the Agricultural Tribunal within a period of thirty days from the date of the order appealed against, and the decision of the Agricultural Tribunal on such appeal shall be final.

(2) The Agricultural Tribunal shall have no power to stay the operation of the order of the Conciliation Officer pending disposal of the appeal.

Reference or decision of disputes by Government.

17. Notwithstanding anything contained in section 15, where any agricultural dispute exists or is apprehended, the State Government shall, by order in writing and for reasons to be stated therein, refer the dispute to the Agricultural Tribunal constituted for the area in which the dispute exists or is apprehended, for adjudication.

CHAPTER VI

MISCELLANEOUS

Register of agricultural workers.

18. (1) The executive officer of every local authority shall prepare a register of agricultural workers residing within the jurisdiction of that local authority.

(2) The Register shall contain such particulars as may be prescribed.

(3) The register shall be maintained by the executive officer in such manner as may be prescribed.

Maintenance of registers and records by landowners.

19. (1) Every landowner who employs agricultural workers shall maintain such registers and records regarding number of employees, wages paid, etc. as may be prescribed.

(2) The registers and records referred to in sub-section (1) shall contain such particulars and shall be kept in such place, as may be prescribed.

20. Where any money is due to an agricultural worker from a landowner under a settlement referred to in sub-section (2) of section 15, the agricultural worker himself or any other person authorised by him in writing in that behalf or, in the case of the death of the agricultural worker, his assignees or heirs may without prejudice to any other mode of recovery make an application to the District Collector for the recovery of the money due to him and if the District Collector is satisfied that any money is so due, he shall proceed to recover the same as if it were an arrear of public revenue due on land:

Recovery of money due from landowners.

Provided that every such application shall be made within one year from the date on which the money became due to the agricultural worker from the landowner:

Provided further that any such application may be entertained after the expiry of the said period of one year if the District Collector is satisfied that the applicant had sufficient cause for not making the application within the said period.

21. Every member of the Board and every officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Officers and Members of Board to be public servants.

22. The Central Government shall provide after due appropriation made by Parliament by law in this behalf, necessary requisite funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide requisite funds.

23. If any difficulty arises in implementing the provisions of this Act, the Central Government shall have power to issue such orders not inconsistent with the provisions of this Act by notification in the Official Gazette as are required to remove such difficulty.

Power to remove difficulty.

24. (1) The appropriate Government may, by notification in the Gazette of India, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made before the State Legislature.

THE SCHEDULE

[See sub-clause (f) of Section 2]

[Agricultural Workers]

Agricultural Workers includes any adult engaged in:—

- (i) farming, including the cultivation and tillage of soil;
- (ii) dairy farming;
- (iii) pisciculture;
- (iv) production, cultivation, growing and harvesting of any horticulture, floriculture commodity;
- (v) raising of livestock, bee-keeping or poultry;
- (vi) any practice performed on a farm as incidental to, or in conjunction with, the farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation of farm products); and
- (vii) growing fodder or thatching grass or for grazing cattle;

STATEMENT OF OBJECTS AND REASONS

The agricultural sector in India is the largest sector in terms of employment of the workforce. It consists of crop cultivation and other agricultural activities such as forestry, livestock and fishing. The workers in this sector may be broadly divided into wage workers, and farmers. Almost the entire agricultural sector (except the Plantation Sector) is unorganised i.e., it has neither any formal system of social security nor regulation of conditions of work which leads to exploitation through coercion.

As per the estimates of the 2011 Census, there are close to 230 million people who are employed as agricultural workers in India. More and more firm workers are moving away from agriculture and this has been negatively affecting the country's productivity especially in crops which are labour intensive like paddy, wheat, cotton, sugarcane and groundnut. Currently, the profession of agricultural labour is of 'all pain and no gain' especially with respect to landless labourers who are forced to work in the field of others without any means of protection. This poor economic state is further worsened when coupled with the pitiable and hazardous conditions of these workers. Excessive working hours lead to poor health and low life expectancy across the profession. Accessibility towards basic healthcare and education as well as essential social security schemes is virtually non-existent. The seasonal nature of this profession further adds to the woes of these citizens, who constitute the poorest thirty per cent. of the country who are left to fend for their lives during off-season without any money.

The agricultural workers in the Unorganised Sector face problems that arise out of deficiency or capability deprivation in terms of inadequate employment, low earnings, low health, etc., as well as of adversity in the absence of fallback mechanisms (safety net). These workers have limited or no formal social security cover which increases their vulnerability during times of illness, old age, unemployment and untimely death. The absence of social security mechanisms is a critical factor in downturns in the conditions of these households, many of whom are already very poor. It destroys the workers ability to contribute meaningfully, and to increasing production and productivity. It leads to disaffection, increasing social costs, widespread crimes, and persistent ill health.

The changing nature of agricultural production including the increased use of chemicals and machinery is aggravating risks. This is particularly true in a number of developing countries where education, training and occupational safety and health services are largely inadequate. While there is a very long way to go in terms of establishing a satisfactory life for these workers, it is sad to say that even the bare minimum has not been done towards realising this very important goal.

The present Bill strives to constitute a Agricultural Workers Welfare Fund to establish through basic policy measures the rights that these workers deserve. It intends to cover agricultural workers, who are all agricultural wage workers not protected under the Plantations Labour Act, 1951 and marginal and small farmers. It also intends to provide a measure of social security to agricultural wage workers and marginal and small farmers in the unorganised sector. Furthermore, the bill seeks establishment of Agricultural Tribunals for the dispute resolution among the Agricultural workers and the landowners. The bill further deals with rights of the workers with respect to working hours and minimum wage. The bill seeks to protect the rights of agricultural workers in an orderly fashion.

Hence, this Bill.

NEW DELHI;
February 28, 2022

UNMESH BHAIYYASAHEB PATIL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government may constitute for any area specified an Agricultural Tribunal. Clause 5 of the Bill provides for appointment of persons as inspectors. Clause 6 provides for the appropriate Government to appoint an Agricultural Welfare Officer for carrying out the purposes of this Act. Clause 7 provides that the Central Government shall, in consultation with the State Government, constitute a Fund to be known as the Agricultural Workers Welfare Fund. It also provides that Central Government and State Governments shall contribute to the Fund. Clause 8 provides for formulation of a scheme by the Central Government for welfare of agricultural workers which include a comprehensive insurance scheme, old age pension, free health care facilities and payment of compensation in cases of accidents during agricultural operations. Clause 9 provides for constitution of Agricultural Workers Welfare Board. Clause 22 provides for the Central Government to grant necessary requisite funds for carrying out the purpose of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum would be involved from Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

XXXXIV

BILL NO. 102 OF 2022

A Bill to prohibit the publication and dissemination of objectionable material on religion in any form in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Publication and Dissemination of Objectionable Material on Religion Act, 2022.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Agency" means the agency for prohibition of publication and dissemination of objectionable material on religion as established under section 4;

(b) "complaint" means an objection registered with the Agency by any Indian citizen or institution;

(c) "dissemination" means information communicated through recorded messages on telephones, radio, television, internet film-strip, movies or videos along with other means of communication;

(d) "objectionable material" means any publication or dissemination of contents hurting the religious sentiments of any Indian citizen;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "publication" means a book, article, picture, photograph, pamphlet, advertisement on poster, banner or any other printed document.

Prohibition of publication and dissemination of objectionable material on religions.

3. Notwithstanding anything contained in any other law for time being in force, the publication and dissemination of objectionable material on any religion in the country is hereby prohibited.

Establishment of an agency for prohibition of publication and dissemination of material on religion.

4. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Agency to be known as the Agency for Prohibition of Publication and Dissemination of Objectionable Material on Religion for carrying out the purposes of this Act.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Agency.

(3) The salary and allowances payable to and other terms and conditions of service of the officers and staff employed in the Agency shall be such as may be prescribed.

(4) The headquarters of the Agency shall be at such place, as may be prescribed.

Functions of the agency.

5. The Agency shall—

(a) register complaints pertaining to the publication and advertisement on dissemination of objectionable material on religion received from concerned institutions and public, and their redressal;

(b) investigate the complaints duly registered;

(c) impose a prohibition on publication and dissemination thereof, on the basis of the outcome of investigation; and

(d) derecognise the respective publisher and advertising agency involved in publication and dissemination of objectionable material on religion.

Penalty.

6. Whoever contravenes the provisions of section 3 shall be punished with imprisonment for a term which shall not be less than two years but which may extend upto five years and with a fine which may extend upto one lakh rupees.

Funds to be provided by Central Government.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to the Agency, such requisite funds, from time to time, as may be necessary, for carrying out the purposes of this Act.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

9. (1) The Central Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

STATEMENT OF OBJECTS AND REASONS

In recent times, there has been a sudden rise in the cases of Publication and dissemination of objectionable material on religion in the country. Certain mischievous elements try to hurt the religious sentiments of citizens of the country with support from certain publishers and advertising agencies. In the name of right to freedom of expression enshrined in our Constitution, they tend to threaten the integrity of the country. Such publication and dissemination of objectionable material on religion needs to be restricted in order to preserve the secular fabric of the country.

Hence, this Bill.

NEW DELHI;
March 7, 2022.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of an Agency for Prohibition of Publication and Dissemination of Objectionable Material on Religion and appointment of officers and employees in the Agency. Clause 7 provides that Central Government shall provide the funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees six hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XXXXV

BILL NO. 112 OF 2022

A Bill to provide for the constitution of a Special Irrigation Development Fund for the development of irrigation facilities in the forest areas and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Irrigation Development Fund (For Forest Areas) Act, 2022.

Short title and extent.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) ‘forest area’ means any district where more than thirty-three percent of the total geographical area is covered by forests and has been declared as the forest area by the State Government concerned or the Central Government, as the case may

be, for the purposes of this Act;

(b) ‘Fund’ means the Special Irrigation Development Fund constituted under section 3 of this Act; and

(c) ‘prescribed’ means prescribed by rules made under this Act.

Special
Irrigation
Development
Fund.

3. (1) The Central Government shall set up a Fund to be known as the Special Irrigation Development Fund for the development of the irrigation facilities in the forest areas of the country.

(2) The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, contribute such amount to the Fund as may be necessary to carry out the provisions of the Act.

State Govern-
ment/Union
Territory
Administra-
tion to send
details of the
infrastructure
and cost
required for
the develop-
ment of
irrigation
facility in
forest areas.

4. (1) A State Government or the Union territory Administration, as the case may be, shall forward the details of the required infrastructure and the estimated cost of the irrigation development project of the forest areas falling in their respective territories to the Central Government.

(2) The Central Government on receipt of such details, shall provide funds to the State Government or the Union territory Administration, as the case may be, for the development of irrigation facilities in the forest areas in such manner as may be prescribed.

(3) The funds provided under sub-section (2) shall be used for the following purposes:—

(i) expeditious completion of ongoing irrigation projects in forest areas;

(ii) construction of small ponds for the use of farmers in the forest areas;

(iii) digging wells/ bore wells in the forest areas;

(iv) installing electric pumps for irrigation in the forest areas;

(v) providing pipes for irrigation to the farmers living in the forest areas;

(vi) meeting costs incurred on implementing the “Lift Irrigation Scheme” based on the water resources of the forest areas;

(vii) renovation of old ponds/water reservoirs in forest areas; and

(viii) construction of canals.

(4) The State Government/Union territory administration getting funds under sub-section (2) shall furnish the details of expenditure incurred on the irrigation development works in forest areas to the Central Government in such manner and in such time as may be prescribed.

(5) In case any State Government/Union territory administration fails to utilise the funds for the purpose it was released or fails to produce the details under sub-section (4), the Central Government shall withhold funds to such State Government/Union territory administration.

Power to make
rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 has put some restrictions on the use of forest land for non-forest purposes. Due to this, irrigation projects and other development activities cannot be undertaken in the forest areas. It is neither justified nor appropriate to deprive the people who have been living in forest areas since time immemorial from getting facilities for their upliftment. A large number of proposals relating to irrigation projects in the forest areas are pending approval in the Ministry concerned. Due to lack of irrigation facilities, people living in the forest areas have to depend on rain despite having the water reservoirs. Due to non-availability of irrigation facilities, the production in forest areas is low which compels them to live in extreme poverty. The agricultural production has suffered due to increase in number of small holdings as a result of division in families. The small holdings has also made it difficult for them to run their families. In case, the irrigation facility is provided even in small holdings of land it may enable the farmers to sustain their lives. Therefore, the Government should take initiative to create a fund for the betterment of farmers.

It is becoming more and more difficult for the farmers living in forest areas to cultivate their lands due to non-availability of irrigation facilities. Farmers are committing suicide due to heavy indebtedness to local money lenders who charge high rates of interest. To save the farmers of the forest areas from the hardship presently being faced by them, there is a need to constitute a Special Irrigation Development Fund for the forest areas.

The State Governments do not have sufficient funds for the development of Irrigation Projects in the forest areas. Therefore, there is a need to set up a fund by the Central Government for the development of Irrigation Projects in the forest areas to facilitate better irrigation facilities in the forest areas and to ensure better living standard to the farmers of these areas.

Hence, this Bill.

NEW DELHI;
March 7, 2022.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a Special Irrigation Development Fund for the forest areas. Clause 4 provides for the release of funds to the State Governments for the development of irrigation projects in the forest areas. The Bill, therefore, if enacted, would involve an annual recurring expenditure of rupees fifty thousand crore from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XXXXVI

BILL NO. 114 OF 2022

A Bill to provide for the prevention of commercialised trafficking of girl child wherein a girl child is forced into prostitution after luring, procuring or kidnapping her or dedicating her as devadasi for commercial gains by providing deterrent punishment including capital punishment for such trafficking and for rehabilitation of and other welfare measures for such girl child to be undertaken by the Government and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Girl Child (Prevention of Commercialised Trafficking, Rehabilitation and Welfare) Act, 2022.

Short title
and extent.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "girl child" means a female who is below the age of eighteen years;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "trafficking" includes forcing the girl child into prostitution or for any unlawful and immoral purpose or procuring or supplying the girl child for such purpose or dedicating the girl child as devadasi or bhavin to ultimately end up as prostitute or hiring or obtaining possession of the girl child for promiscuous sexual purposes; and

(e) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 or the Immoral Traffic (Prevention) Act, 1956 shall have the same meanings, respectively assigned to them in those Acts.

Prohibition of girl child trafficking for commercial purposes.

3. (1) The commercialised trafficking of girl child, in any manner, whatsoever, is hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Penalty.

4. Notwithstanding anything contained in any other law for the time being in force, whoever,—

(a) forces a girl child to prostitution for commercial gains, notwithstanding the family relation of such girl child with the accused, shall be punished with death;

(b) lures, procures or takes charge of a girl child for indulging in immoral traffic of such girl child for the purposes of prostitution or for any unlawful and immoral purpose, shall be punishable with imprisonment for life and also with fine which may extend to five lakh rupees;

(c) hires or otherwise obtains possession of a girl child for her promiscuous sexual abuse shall be punished with life imprisonment and also with fine which may extend to five lakh rupees;

(d) provides a girl child to his customers including any domestic or foreign tourist for prostitution or for any unlawful and immoral purpose shall be punishable with rigorous 25 years imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than two lakh rupees but may extend to five lakh rupees; and

(e) dedicates a girl child as devadasi or bhavin, notwithstanding that the person is a natural guardian of the girl child, shall be punishable with imprisonment which shall not be less than five years but may extend to ten years and also with fine which may extend to one lakh rupees.

Girl child forced into commercialised trafficking to be rescued by the appropriate Government.

5. (1) Any girl child forced into commercialised trafficking covered under this Act shall be rescued by the appropriate Government through the local police and produced before a Magistrate or Judicial Officer so designated by such Government for being lodged in a shelter home which shall be established by that appropriate Government.

(2) Every girl child rescued and lodged in a shelter home under sub-section (1) shall be provided,—

(a) boarding and lodging with meals and other necessities of daily life free of cost;

(b) medical care free of cost;

(c) education including vocational, technical and medical education including training wherever required free of cost;

(d) public employment through reservation and other means; and

(e) such other facilities as may be prescribed.

6. The appropriate Government shall provide rehabilitation and such other welfare measures for a rescued girl child, forced into commercialised trafficking in such manner as may be prescribed.

Welfare measures.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to supplement other laws.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It is a matter of grave concern that these days commercialised trafficking of girl child is going on in a very large scale and many a time in the name of adventure tourism in many parts of the country particularly, in Goa, Mumbai, Odisha, Rajasthan, Tamil Nadu, Kerala and other tourist destinations. Unfortunately, girl child trafficking or prostitution is rampant not only in our country but throughout the world and more so, in Asian and African countries where poverty persists in a big way. More and more adolescent girls are being forced into commercialised prostitution by pimps, anti-social elements, organised criminal gangs, brothel keepers, hoteliers, tour operators and in many cases even by their natural guardians and near and dear ones. Mostly the girls are lured on one pretext or the other promising a decent and comfortable lifestyle and forced into trafficking. In other cases the girls are kidnapped and forced into prostitution. The girls are now even brought in from neighbouring countries like Nepal, Bangladesh, Myanmar, Bhutan, etc. for commercialised trafficking by organised gangs. In some parts of the country the young girls are dedicated to temples as devadasi or bhavin and then used for trafficking. For this shoddy affairs all the tourists cannot be blamed but a few tourists do indulge in sex tourism.

The lives of the girl child prostitutes are in constant danger due to deadly AIDS and other sexually transmitted diseases. But those who are involved in commercialised girls child trafficking are least bothered about these hapless girl children and deserve deterrent punishment. It is, therefore, proposed that whoever forces a girl child into prostitution should be awarded death penalty. Those who procure the girl child for sexual pleasure and those who provide the girl child to the clients should get life imprisonment. Similar other proposals have also been made in this Bill so that the hapless innocent girls are saved not only from the cruel and inhuman profession of prostitution but also from the dreaded disease of AIDS and other sexually transmitted diseases.

Hence, this Bill.

NEW DELHI;
March 7, 2022.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of shelter homes for the rescued girl child from trafficking with provision of basic necessities of life, education, medical care, etc. Clause 6 provides for rehabilitation and other welfare measures for rescued girl child. Clause 7 provides for adequate funds to be provided by the Central Government for carrying out the purposes of this Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. Though it is very difficult to estimate the expenditure at this juncture it is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A sum of rupees one thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

XXXXVII

BILL NO. 139 OF 2022

A Bill to set up a system for green house gas emission trading and establishment of Authorities for the control of green house gas emissions and for matters connected therewith.

WHEREAS India has made significant commitment in its intended National by Determined Contribution (NDC) submitted to the United Nations Framework Conventions on Climate Change (UNFCCC) in 2015 as part of the Paris Agreement;

And WHEREAS the Paris Agreement is a legally binding international treaty on climate change adopted by 196 parties in 21st session of the Conference of Parties (COP 21) on 12 December, 2015 and entered into force on 4 November, 2016;

And WHEREAS India's pledge at 26th session of the Conference of the Paris (COP 26) in Glasgow in 2021 is to achieve the target of net zero emission by the year 2070.

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called as the National Emissions Trading System (Control of Green House Gas Emissions) Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may by notification in the official Gazette, appoint and different dates may be appointed for different States and for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'allowance' means an allowance to emit one tonne of carbon dioxide equivalent during a specified period;

(b) 'appropriate Government' means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(c) 'Central Authority' means the Authority established under section 3;

(d) 'CEMS' means a Continuous Emission Monitoring System which refers to the instrumentation and software required to measure carbon dioxide or equivalent emissions from a stationary source on a practically continuous basis;

(e) 'compliance period' means the period which is notified by the nodal authority during which the participating units are required to emit carbon dioxide or equivalent only as per the allocated allowance;

(f) 'emissions' means the release of greenhouse gases into the atmosphere from sources in an installation;

(g) 'environmental damage compensation' means the compensation imposed for excessive emissions in accordance with sub-section (1) of section 19;

(h) 'environmental damage compensation deposit' means the deposit in accordance with sub-section (2) of section 19;

(i) 'greenhouse gases' means the gases listed in the First Schedule;

(j) 'greenhouse gas emissions permit' means the permit issued in accordance with section 6;

(k) 'nodal authority' means the authority mentioned under section 4;

(l) 'operator' means any person who operates or controls a unit or to whom decisive economic power over the technical functioning of the unit has been delegated;

(m) 'person' means any natural or legal person;

(n) 'prescribed' means prescribed by rules made under this Act.

(o) 'tonne of carbon dioxide equivalent' means one metric tonne of carbon dioxide (CO₂) or an amount of any other green house gas listed in the First Schedule with an equivalent global-warming potential; and

(p) 'unit' means an industrial unit involved in manufacture that results in the release of carbon dioxide or any other green house gas listed in the First Schedule with an equivalent global-warming potential;

CHAPTER II

GREEN HOUSE GAS EMISSION PERMIT

- 6 of 1974.
- 3.** (1) The Central Pollution Control Board established under the Water (Prevention and Control of Pollution) Act, 1974 shall be deemed to be the Central Authority for the purposes of this Act. Central Authority.
- (2) The Central Authority shall,—
- (a) decide the permits and the allowances under this Act;
- (b) monitor the effective implementation of the emission trading system by maintaining an independent transaction log recording the issue, transfer and cancellation of allowances;
- (c) conduct an automated check on each transaction in registries through the independent transaction log to ensure there are no irregularities in the issue, transfer and cancellation of allowances;
- (d) if irregularities are identified through the automated check, ask the Nodal Authority concerned not to register the transactions in question or any further transactions relating to the allowances concerned until the irregularities have been resolved.
- 4.** (1) The State Pollution Control Boards established under the Water (Prevention and Control of Pollution) Act, 1974 shall be deemed to be the Nodal Authority for the respective States under this Act. Nodal Authority.
- (2) Each Nodal Authority shall,—
- (a) Supervise the emission trading system in each State by identifying industrial units as well as the emissions prevalent in that particular State;
- (b) monitor the effective implementation of the emission trading system in that State by maintaining an independent transaction log recording the issue, transfer and cancellation of allowances;
- (c) conduct an automated check on each transaction in registries in the respective State through the independent transaction log to ensure there are no irregularities in the issue, transfer and cancellation of allowances; and
- (d) undertake any other responsibility that is vested on it under the provisions of this Act.
- 5.** Every unit shall mandatorily install and operate a Continuous Emission Monitoring System (CEMS) device as per the guidelines and Standard Operating Procedures (SOP) issued for the same by the Central Authority. Installation of CEMS.
- 6.** The Central Authority shall, in consonance with the Nodal Authorities, ensure that from the date of notification in the Official Gazette, no unit shall undertake any activity listed in the Second Schedule resulting in emissions specified in relation to that activity unless its operator holds a permit issued by the Central Authority in accordance with sections 7 and 8 or the unit is temporarily excluded from the application of this Act by the Central Authority. Green House Gas Emission Permits.
- 7.** An application to the Central Authority for green house gas emissions permit shall include,— Application for Green House Gas Emission Permits.
- (a) the unit and its activities including the technology used;
- (b) the raw and auxiliary materials, the use of which is likely to lead to emissions of gases listed in the First Schedule;
- (c) the sources of emissions of gases listed in the Second Schedule from the unit;

(d) the measures planned to monitor and report emissions in accordance with the guidelines adopted pursuant to section 10; and

(e) a non-technical summary of the details referred to in clause (a) of sub-section (1).

Conditions for
Issue of
Permit.

8. The Central Authority may issue a greenhouse gas emissions permit granting authorisation to emit greenhouse gases from all or part of a unit only if it is satisfied that the operator is capable of monitoring and reporting greenhouse gas emissions.

Contents of
Permit.

9. (1) Every Greenhouse gas emissions permit issued under section 8 shall contain the following:

(a) the name and address of the operator of the unit;

(b) a description of the activities and emissions from the unit;

(c) monitoring requirements, specifying monitoring methodology and frequency;

(d) reporting requirements; and

(e) an obligation to surrender allowances equal to the total emissions of the installation in each calendar year, as verified in accordance with section 18, within four months following the end of that year.

(2) A greenhouse gas emissions permit may cover one or more units on the same site operated by the same operator.

Guidelines for
monitoring
and reporting
emissions.

10. (1) The Central Authority shall, within six months from the date of which this Act comes into force, issue guidelines for the monitoring and reporting of emissions resulting from the activities mentioned under the Second Schedule.

(2) Each Nodal Authority shall ensure that,-

(a) the guidelines issued by the Central Authority is being followed; and

(b) each operator of a unit reports the emissions from that unit during each calendar year to the Nodal Authority after the end of that year in accordance with the guidelines.

CHAPTER III

ALLOCATION OF ALLOWANCES

Allocation and
issue of
Allowances.

11. (1) The Central Authority, in consultation with the Union Ministry of Environment, Forest and Climate Change and the Nodal authority, shall by notification, notify the units regarding the allocation of allowances for emissions resulting from activities mentioned under the Second Schedule before each compliance period.

(2) The Central Authority shall give sufficient notice of at least three months to the units regarding the commencement and period of each compliance period as well as the total quantity of allowances.

Method of
allocation of
allowances.

12. The Central Authority, through the Nodal Authorities shall allocate eighty per cent. of the allowances free of cost to all units at the start of each compliance period on pro rata basis based on the technology employed by the unit and the remaining twenty per cent. shall be sold by the Central Authority through auctions as notified by them:

Provided that if a unit has different emission standard as against the Second Schedule, then the allowance shall be adjusted accordingly.

Transfer,
surrender and
cancellation
of allowances.

13. (1) The Central Authority and the Nodal Authorities shall ensure that transfer of allowances take place between units operating in India.

(2) The Central Authority shall ensure that by the date notified by it each year, the operator of each unit surrenders a number of allowances equal to the total emissions from

that installation during the preceding calendar year as verified in accordance with section 18 and are subsequently cancelled.

(3) The Central Authority shall take the necessary steps to ensure that allowances may be cancelled at any time at the request of the person holding them.

14. (1) Each allowance shall be valid for emissions during the period referred to in section 11 for which they are issued.

Validity of Allowances.

(2) At the beginning of the first compliance period and after the beginning of each subsequent compliance period referred to in sub-section (2) of section 11, allowances which are no longer valid and have not been surrendered and cancelled in accordance with sub-section (2) of section 13 shall be cancelled by the Central Authority.

(3) The Central Authority shall issue allowances to persons for the current period to replace any allowances held by them and cancelled in accordance with sub-section (2).

CHAPTER IV

AUCTION AND TRADING SYSTEM

15. (1) The auction of allowances in accordance with section 12 shall be sold through a platform set up by the National Commodities and Derivatives Exchange e-Markets Limited (NeML) in such manner as may be prescribed.

Auction of allowances.

(2) The Central Authority shall, in the initial auction of the compliance period, offer twenty per cent. of allowances at the floor price in accordance with section sub-section (1) of section 17:

Provided that in case the allowances are not completely sold in the first auction, then the Central Authority shall hold subsequent auctions until all of the allowances are sold:

Provided further that no unit shall hold greater than one hundred and fifty per cent. of initial allocation of allowances or greater than five per cent. of the total allowances in the market.

16. (1) The Central Authority shall, in consonance with the NeML, set up a platform for trading of allowances under this Act.

Trading of allowances.

(2) The NeML shall, within three months of the passing of this Act, notify the detailed market operations manual that includes the rules of auction clearance and order matching.

(3) Each unit may engage in the trading of the allowances on the particular platform in accordance with the market operations manual.

(4) Each unit shall appoint a nodal representative to be the point of contact between the unit and the NeML for auction participation and trading of allowances who is actively involved in monitoring the CEMS.

17. (1) The allowance price ceiling shall be imposed at rupees 100/kg and the allowance price floor shall be maintained at rupees 5/kg.

Allowance Price Ceiling and Floor.

(2) The price ceiling and floor may be adjusted by the Market Oversight Committee, from time to time, as the market performance is reviewed.

18. (1) The Central Authority shall notify the criteria for verification of the reports to be submitted by the units within three months of commencement of this Act.

Compliance Verification.

(2) The Nodal Authorities shall ensure that the reports submitted by operators in pursuant to section 10 are verified in accordance with the criteria set out by the Central Authority in the notification mentioned under sub-section (1).

(3) The Nodal Authorities shall ensure that no operator whose report has not been verified as satisfactory in accordance with the criteria set out in the notification by the date so mentioned in the notification for emissions during the preceding year may make further transfers of allowances until a report from that operator has been verified as satisfactory.

Environmental
Damage
Compensation.

19. (1) The Central Authority shall impose an Environmental Damage Compensation (EDC) applied at a rate of rupees 200/kg for each kg of excess for every kilogram of emissions in excess of a unit's allowance holdings at the end of the compliance period.

(2) The units shall post an Environmental Damage Compensation Deposit (EDCD) for the amount of rupees two lakh for small-scale, rupees three lakh for medium-scale and rupees ten lakh for large-scale industries.

(3) The tenure for the EDCD shall be notified at least three months ahead of each compliance period by the Central Authority.

(4) The EDCD shall not be forfeited in case of compliant industries:

Provided that for industries exceeding their allowance holdings, the EDC specified in sub-section (1) shall be deducted from the EDCD specified in sub-section (2) and additional EDCD may then be required to be posted to meet any shortfall.

(5) The persistent or gross non-compliance shall be a ground for removal from the system and additional penalties available under Air (Prevention and Control of Pollution) Act, 1981 shall be applicable.

Imputation
Rules for
missing CEMS
data and
Penalties.

20. In case of any missing or invalid CEMS data, emissions shall be imputed as per the Third Schedule and knowingly reporting any inaccurate data shall and be treated as non-compliance with the system and incur penalties under this Act.

CHAPTER V

MISCELLANEOUS

Pooling.

21. (1) The Central Authority may allow operators of units carrying out one of the activities listed in the Second Schedule to form a pool of units from the same activity for the period referred to in sub-section (1) of section 11 and/or the period referred to in sub-section (2) of section 11 in accordance with sub-sections (2) and (3) of this section.

(2) Operators carrying out an activity listed in the Second Schedule who wish to form a pool shall apply to the Central Authority, specifying the units and the period for which they want the pool and supplying evidence that a trustee shall be able to fulfil the obligations referred to in sub-section (3).

(3) Operators intending to form a pool shall nominate a trustee who shall be:

(a) issued with the total quantity of allowances calculated by installation of the operators, by way of derogation from section 11; and

(b) responsible for surrendering allowances equal to the total emissions from installations in the pool, by way of derogation from clause (e) of sub-section (1) of section 9 to be restricted from making further transfers in the event that an operator's report has not been verified as satisfactory in accordance sub-section (3) of section 18.

Force
Majeure.

22. (1) During the period referred to in sub-section (1) of section 11, the Nodal Authorities may apply to the Union Ministry of Environment, Forest and Climate Change and the Central Authority for certain units to be issued with additional allowances in cases of force majeure.

(2) The Central Authority shall, in consonance with the Union Ministry of Environment, Forest and Climate Change, determine whether force majeure is demonstrated, in which case it shall authorize the issue of additional and non-transferable allowances by that Nodal authority to the operators of those units.

(3) The Central Authority shall, within three months from the time this Act comes into force, without prejudice, develop guidance to describe the circumstances under which force majeure is demonstrated.

23. (1) The Nodal Authorities shall establish and maintain a registry in order to ensure the accurate accounting of the issue, holding, transfer and cancellation of allowances in such manner as may be prescribed.

Registry.

(2) The Nodal Authorities may maintain their registries in a consolidated system, together with one or more other Nodal Authorities.

(3) The registry maintained under sub-section (1) shall be accessible to the public and shall contain separate accounts to record the allowances held by each person to whom and from whom allowances are issued or transferred;

(4) The Union Ministry of Environment, Forest and Climate Change shall adopt a standardized procedure and secured system of registries in the form of standardized electronic databases containing common data elements to track the issue, holding, transfer and cancellation of allowances, to provide for public access and confidentiality as it deem appropriate to implement the provisions of this Act.

24. (1) The Central Authority may, on the basis of progress achieved in the monitoring of emissions of greenhouse gases, make a proposal to the Union Ministry of Environment, Forest and Climate Change to amend the First Schedule to include other greenhouse gases and other activities listed in the Second Schedule.

Review and Development.

(2) The Central Authority shall, on the basis of experience of the application of this Act and of progress achieved in the monitoring of emissions of greenhouse gases, draw up a report on the application of this Act, considering:

(a) how and whether the Second Schedule shall be amended to include other relevant sectors, inter alia the chemicals, aluminium and transport sectors, activities and emissions of other greenhouse gases listed in the First Schedule, with a view to further improving the economic efficiency;

(b) further harmonisation of the method of allocation;

(c) the relationship of emissions trading with other policies and measures implemented at Central and State level, including taxation, that pursue the same objectives;

(d) the level of excess emissions penalties, taking into account, inter alia, inflation;

(e) the functioning of the emissions trading market, covering in particular any possible market disturbances; and

(f) pooling.

25. In the case where there is no consensus between the Central Authority and the Nodal Authority with respect to any provision in this Act, or the operator(s) of the units under the presumption that the Central Authority or the Nodal Authorities have not adhered to the powers vested in them by this Act, the aggrieved party(s) may approach the National Green Tribunal for the same.

Dispute Resolution.

26. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds, from time to time, for carrying out the purposes of this Act.

Central Government to provide funds.

Act to have overriding effect.

27. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to remove difficulties.

28. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

29. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

THE FIRST SCHEDULE

[See Section 2(i)]

List of Green houses Gases that fall under the purview of this Act

- * Carbon dioxide (CO_2)
- * Methane (CH_4)
- * Nitrous Oxide (N_2O)
- * Hydrofluorocarbons (HFCs)
- * Perfluorocarbons (PFCs)
- * Sulphur Hexafluoride (SF_6)
- * Nitrogen Trifluoride (NF_3)

THE SECOND SCHEDULE

[See Section 6]

List of industrial activities that fall under the purview of this Act

1. This Act does not cover activities related to research and development and testing of new products and processes.

2. The threshold value in the below table refers to production capacities.

Sl. No.	Industrial Activities/Units
Energy related activities	
1.	Combustion related units with a rated thermal input exceeding 20 MW (except hazardous or municipal waste installations)
2.	Mineral oil refineries
3.	Coke ovens
Metal production	
4.	Metal ore (including sulphide ore) roasting or sintering installations
5.	Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2,5 tonnes per hour
Mineral industry	
6.	Units involved in the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day
7.	Units involved in the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day
8.	Units involved in the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and or with a kiln capacity exceeding 4 m ³ and with a setting density per kiln exceeding 300 kg/m ³
Other activities	
9.	Industrial plants involved in the production of pulp from timber or other fibrous materials
10.	Industrial plants involved in the production of paper and board with a production capacity exceeding 20 tonnes per day

THE THIRD SCHEDULE

[See Section 20]

Validation Protocol for Missing CEMS Data mentioned in Section 20

Data available from CEMS during the designated reporting period	Load imputation for missing data values (kg/hr)
>95%	Impute industry's mean operating emissions load during the compliance period
80-95%	Impute industry's 75th percentile emissions load during the compliance period
50-80%	Impute industry's 90th percentile emissions load during the compliance period
<50%	Impute industry's 90th percentile emissions load during the compliance period and prior three months of valid CEMS data, up to start of the compliance period and notice sent to the concerned Nodal Authority of very poor data availability of the unit

STATEMENT OF OBJECTS AND REASONS

Climate Change is a growing concern for India. In the wake of India's declaration to achieve net zero by the year 2070 at the Conference of Parties held in Glasgow in 2021, it becomes imperative to take the necessary measures, including legislations to combat the evil of Climate Change.

The present Bill aims to replicate the Emission Trading System pilot project by the Gujarat Pollution Control Board which has showed positive outcomes with regards to reducing the green house gas emissions. Therefore, this Bill is the first attempt for bringing about legislation on Climate Change so as to meet India's Nationally Determined Contributions under the Paris Agreement as well as recent obligations.

Hence, this Bill.

NEW DELHI;
March 7, 2022.

VISHNU DAYAL RAM

FINANCIAL MEMORANDUM

Clause 16 of the Bill provides for setting up of platform for trading by the Central Government. Clause 23 provides for the establishment and maintenance of a registry in order to ensure the accurate accounting of the issue, holding, transfer and cancellation of allowances. Clause 26 provides that the Central Government shall provide adequate funds for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about ten crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

XXXXVIII

BILL No. 105 OF 2022

A Bill to constitute District Development and Monitoring Committees in each district to promote efficient coordination among all elected representatives in Parliament, State Legislatures and Local Governments, including the Panchayati Raj Institutions and Municipal Bodies, for time bound development of districts through a streamlined model of monitoring and accountability for implementation of Central Sector and Centrally sponsored schemes in each district and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the District Development and Monitoring Committee for Implementation of Central Sector and Centrally Sponsored Schemes Act, 2022.

Short title,
extent and
Commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, -

(a) "Central Sector Schemes" means poverty alleviation, social inclusion and livelihood generation programmes funded and implemented by the Central Government in States as per the national development agenda;

(b) "Centrally Sponsored Schemes" means poverty alleviation, social inclusion and livelihood generation programmes funded partially by the Central Government and implemented by the States;

(c) "Committees" means the District Development and Monitoring Committees;

(d) "District" means the districts in a State;

(e) "District Planning Committees" means the District Planning Committees formulated under article 243ZD of the Constitution;

(f) "Lok Sabha" refers to the Lower House of the Parliament of India;

(g) "Member of Parliament" means the elected representative of the people in the Parliament of India;

(h) "MIS Portal" means the Management Information System developed by the Central Government wherein the records of the meeting are uploaded for display before all the relevant stakeholders; and

(i) "prescribed" means prescribed by rules made under this Act.

Constitution of Committees.

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, Committees to be known as the District Development and Monitoring Committees of Central Sector and Centrally Sponsored Scheme, at the level of each district, consisting of the following members, namely:—

(a) the Member of Parliament, Lok Sabha, elected from the district concerned to be nominated by the Central Government in such manner as may be prescribed—Chairperson, *ex-officio*;

Provided that in case there are more than one Member of Parliament, Lok Sabha, representing the district, the senior-most Member of Parliament, Lok Sabha, shall be nominated as the Chairperson:

Provided further that in case the district has more than one Parliamentary Constituency in Lok Sabha as its segment and the senior-most Member of Parliament, Lok Sabha, has been made the Chairperson in another district, the next senior-most Member of Parliament, Lok Sabha, shall be nominated as the Chairperson;

Provided also that in case there is same seniority, the Member of Parliament, Lok Sabha, in whose Parliamentary Constituency the largest geographical area of the district falls shall be nominated as the Chairperson.

(b) the other Members of Parliament, Lok Sabha, representing the district—Co-Chairpersons, *ex-officio*;

(c) the District Magistrate-Member Secretary, *ex-officio*;

(d) all Members of State Legislative Assembly elected from the district—Members, *ex-officio*;

(e) not exceeding one representative of the State Governments to be nominated by the Central Government—Members, *ex-officio*;

(f) all Mayors and Chairpersons of Municipalities in the respective districts—Members, *ex-officio*;

(g) not exceeding five elected heads of the Gram Panchayats in the respective districts—Members, *ex-officio*; and

(h) such other member as nominated by the Nominating Committee comprising the following members, namely:—

(i) the Chairperson of the Committees; and

(ii) the Co-Chairpersons of the Committees;

Provided that at least one member of the Committees under clause (f) shall be woman:

Provided further that at least two member of the Committees under clause (g) shall be women.

(2) The Committees shall be constituted within a period of thirty days from the date of commencement of this Act:

Provided that the position of Chairperson shall not remain vacant for more than thirty days.

4. (1) The Committees shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in the manner as may be prescribed:

Meetings
of the
Committees.

Provided that the Committees shall meet at least once in each quarter of a year;

(2) The Member Secretary shall be responsible for convening the meeting of the Committee:

Provided that the Committees shall meet even in the absence of the Chairperson with the next senior-most Co-Chairperson presiding over the meeting.

(3) The Committees may invite the representatives responsible for implementation of the Centrally Sponsored Schemes or other stakeholders as it may consider appropriate for the discharge of its functions.

(4) The expenditure incurred on the Committees shall be in such manner as may be prescribed.

5. The Committees shall:—

Functions
of the
Committees.

(a) ensure that all Central Sector Schemes and Centrally Sponsored Schemes as specified in the Schedule are implemented in accordance with their programme guidelines;

(b) facilitate coordinated solutions to remove constraints of any kind in the implementation of the Central Sector Schemes and Centrally Sponsored Schemes;

(c) resolve matters related to provision of land and space for faster roll out of priorities;

(d) guide District Planning Committees about all the national programmes and their leveraged for transformation of the district;

(e) identify issues for follow up for timely achievement of scheme objectives;

(f) intensively monitor all time bound national initiatives for universal coverage;

(g) recommend improvements in design of approved programmes and suggest mid-course corrections to address implementation constraints;

(h) have the authority to summon and inspect any record to look into complaints and alleged irregularities received in respect of the implementation of the Central Sector and Centrally Sponsored Schemes including complaints of wrong selection of beneficiaries, mis-appropriation and diversion of funds and recommend follow-up action thereto;

(i) refer any matter for enquiry to the District Collector or CEO of the Zila Panchayat or Project Director of District Rural Development Agency (or Poverty Alleviation Unit) or suggest suitable action to be taken in accordance with the rules which shall be acted upon by the concerned authority within thirty days; and

(j) closely review the flow of funds including the funds allocated and released by both Central Government and the State Government, utilization and unspent balances under each Scheme.

CHAPTER III

ACCOUNTABILITY OF THE COMMITTEE AND SOCIAL AUDITS

Dissemination of information by the Committees.

6. It shall be the responsibility of the Member Secretary of the each Committees to,—

(a) disseminate knowledge and information collected or generated by the Committees to all the stakeholders in written format in such manner as may be prescribed; and

(b) made publicly available the recording of the meetings of the Committees through an MIS Portal developed by the Central Government in not exceeding five days after the conclusion of such meeting.

Ensuring timely and regular conduct of meetings.

7. (1) The Central Government shall monitor the conduct of the meetings of the Committees in such manner as may be prescribed:

Provided that if the meetings of the Committees may not be conducted, the Central Government shall urge the District Collectors to convene the meetings.

(2) The Central Government shall nominate five officers who shall randomly select ten districts per representative each year and attend the meetings of the respective Committees.

(3) The officers nominated under sub-section (2) shall report the progress and conduct of the meetings to the Central Government in such manner as may be prescribed.

(4) The expenditure incurred by the officers shall be in such manner as may be prescribed.

CHAPTER IV

MISCELLANEOUS

Power to amend Schedule.

8. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and thereupon the Schedule, shall be deemed to have been amended accordingly.

(2) The Central Government shall make the necessary amendment to the Schedule within fifteen days of introduction or discontinuation of any Central Sector Scheme or Centrally Sponsored Scheme.

(3) A copy of every notification made under sub-section (1) shall be laid before each House of Parliament as soon as may be after it is made.

9. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of
Central
Government
to make rules.

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the time and place of the meetings of the Committees and the procedure to be followed at such meetings under sub-section (1) of section 4 and the expenditure incurred on the meetings of the Committees under sub-section (3) of section 4; and

(b) any other matter which is to be or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See Section 5(a)]

CENTRAL SECTOR AND CENTRALLY SPONSORED SCHEMES

1. Mahatma Gandhi National Rural Employment Guarantee Programme
2. Deen Dayal Antyodaya Yojana - NRLM
3. Deen Dayal Upadhyaya-Grameen Kaushalya Yojana (DDU-GKY)
4. National Social Assistance Programme
5. Umbrella Programme for Development of Minorities
6. Umbrella Programme for Development of Other Vulnerable Groups
7. Umbrella Programme for Development of Scheduled Tribes
8. Umbrella Scheme for Development of Scheduled Castes
9. Prime Minister Jan Aarogya Yojana (by subsuming RSBY)
10. Blue Revolution
11. Border Area Development Programme
12. Environment, Forestry and Wildlife
13. Infrastructure Facilities for Judiciary
14. Jal Jeevan Mission (JJM)/National Rural Drinking Water Mission
15. Mission for Protection and Empowerment for Women
16. National Education Mission
17. National Health Mission
18. National Livelihood Mission - Ajeevika
19. Pradhan Mantri Awas Yojana (PMAY)
20. Pradhan Mantri Gram Sadak Yojana
21. Pradhan Mantri Krishi Sinchayee Yojana
22. Soil Health Card
23. e-National Agriculture Markets (e-NAM)
24. Rashtriya Gram Swaraj Abhiyan (RGSA)
25. Shyama Prasad Mukherjee Rurban Mission
26. Swachh Bharat Mission
27. Swachh Bharat Mission (Gramin)
28. Digital India Land Records Modernization Programme (DILRMP)
29. Deen Dayal Upadhyaya Gram Jyoti Yojana (DDUGJY)
30. Urban Rejuvenation Mission: AMRUT and Smart Cities Mission
31. Heritage City Development and Augmentation Yojana (HRIDAY)
32. National River Conservation Plan -Other Basins
33. Fortification of Rice and its Distribution under Public Distribution System
34. Prime Minister Formalisation of Micro Food Processing Enterprises Scheme

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35. Safe Tourist Destination for Women
 36. Strengthening Teaching-Learning and Results for States (STARS)
 37. Development Programmes (Animal Husbandry)
 38. Saksham Anganwadi and POSHAN 2.0 (Umbrella ICDS - Anganwadi Services, Poshan Abhiyan, Scheme for Adolescent Girls)
 39. Mission Shakti (Mission for Protection and Empowerment for Women)
 40. Mission VATSALYA (Child Protection Services and Child Welfare Services)
 41. Pradhan Mantri Ayushman Bharat Health Infrastructure Mission (PMABHIM)
 42. Digitalization of Primary Agriculture Cooperative Societies
 43. Krishionnati Yojana
 44. ASPIRE (Accelerating State Education Programme to Improve Results)
 45. Pradhan Mantri Poshan Shakti Nirman (PM POSHAN)
 46. Prosperity through Cooperatives
 47. Rashtriya Krishi Vikas Yojana
 48. Revision of norms for Central Assistance released to States/UTs for meeting expenditure on intra-state movement, handling of foodgrains and FPS dealers margin under NFSA
 49. Green Revolution
 50. National Programme of Mid Day Meal in Schools
 51. India COVID-19 Emergency Response and Health System Preparedness Package (Phase II) (DBS) (CSS)
 52. Umbrella ICDS
 53. White Revolution
 54. Beti Bachao Beti Padhao

STATEMENT OF OBJECTS AND REASONS

The Government implements several Central Sector Schemes and Centrally Sponsored Schemes to supplement the efforts of the State Government financially. These are also implemented to align the objectives of the National Development Agenda with that of the State's as well as to ensure inclusive development of all States by targeting key structural objectives like poverty elimination, social inclusion and livelihood guarantee.

However, it has been witnessed that the systems of compliance and accountability for efficient and time bound implementation of these schemes have been lacking. Many problems like appropriate dispensation of funds or governance problems with respect to availability of land, impede the potential progress of these schemes.

Therefore, to strengthen these mechanisms and for the effective dispensation of public goods, the District Development and Monitoring Committees are being instituted. These Committees comprise the Members of Parliament who would monitor the progress of the Central Sector and Centrally Sponsored Schemes in the districts of their constituencies. The Committees include representations from the District Collectors, Members of State Legislative Assemblies, State Governments, Municipalities and Gram Panchayats, hence, covering all wings of the Government to ensure coordination and alignment of objectives.

The functions of these Committees include coordination between all wings of the Government to solve problems of governance, resolving matters of land and space, recommending improvements in system design of the schemes, looking into appropriate dispensation of funds and following up with the Parliament, State Assembly and Local Government.

The present Bill institutes mechanisms to ensure accountability of the Committees themselves. The minutes of the meeting are required to be recorded and uploaded on an MIS portal by the Central Government as well as information distributed to all the relevant stakeholders. Additionally, a randomized audit is also required to be conducted of a few districts each year to oversee whether the meetings are being conducted as per the prescribed mandate.

It is important to note that the present Bill respects and keeps intact the division of power under the Seventh Schedule of the Constitution of India by having an advisory nature and a monitoring role of schemes with the Central Government's involvement.

The Bill, therefore, seeks to provide for a smooth flowing system of accountability to effectively achieve universal coverage of all development schemes that have the involvement of the Central Government.

Hence, this Bill.

NEW DELHI;
March 8, 2022

RAJIV PRATAPRUDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the District Development and Monitoring Committees at the district level by the Central Government. Clause 4 provide for the meetings of the Committees. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that about rupees four crore and eight lakh per annum would involve from the Consolidated Fund of India. Clause 7 provides for deputing five officers from the Central Government to oversee the timely conduct of meetings of the Committee. In respect of this clause, an indicative recurring expenditure of about rupees eight lakh per annum is estimated.

A non-recurring expenditure of about rupees Sixty lakh is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XXXXIX

BILL NO. 104 OF 2022

A Bill to provide for the constitution of Greenfield Infrastructure Board in each zone of the country to assess the availability of land in the respective zone and decide on the fitness of sites for development of a greenfield infrastructure project and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRILIMINARY

1. (1) This Act may be called as the Greenfield Infrastructure Development Boards Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
Commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Board" means the Greenfield Infrastructure Development Boards constituted under section 3;

(b) "economically backward regions" means the under-developed regions in the country that demonstrate characteristics such as low levels of income as well as poor infrastructure and connectivity including but not limited to States like Bihar, Jharkhand, Uttar Pradesh, Madhya Pradesh and Meghalaya;

(c) "five year plan" means the plan to be created by the Greenfield Infrastructure Boards for their respective zones post the land survey including development landmarks, processes of commissioning projects, schemes and programmes of the Centre and State Governments that may potentially be utilized for sanction of projects and systems and mechanisms of accountability;

(d) "greenfield infrastructure" means the infrastructure developed on empty land or previously undeveloped land and a project whose commissioning, planning and construction process is carried out from the scratch and grassroot level;

(e) "infrastructure" means National Highways, ring roads, bypass, railway tracks, railway stations, regional air strips, under bridges and over bridges;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "zone" means the following six zones:—

(i) North Zone comprising the States of Himachal Pradesh, Punjab, Uttarakhand, Himachal Pradesh and Haryana;

(ii) East Zone comprising the States of Bihar, Orissa, Jharkhand and West Bengal;

(iii) West Zone comprising the States of Rajasthan, Gujarat, Goa and Maharashtra;

(iv) South Zone comprising the States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu;

(v) Central Zone comprising the States of Madhya Pradesh and Chhattisgarh; and

(vi) North East Zone comprising the States of Assam, Sikkim, Nagaland, Meghalaya, Manipur, Mizoram, Tripura and Arunachal Pradesh.

CHAPTER II

GREEN INFRASTRUCTURE DEVELOPMENT BOARDS

Constitution of Boards.

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, Boards in each zone to be known as the Greenfield Infrastructure Development Boards in such manner as may be prescribed.

(2) Each Greenfield Infrastructure Development Boards constituted under sub-section (1) shall consist of:—

(a) at least ten and not exceeding fifteen Members of Parliament representing the States in the zone taken up to be nominated by the Central Government—members, *ex-officio*;

(b) at least five and not exceeding eight Members of the State Legislative Assembly to be nominated by the Central Government in consultation with State Government concerned—members, *ex-officio*;

(c) not exceeding ten representatives of the Central Government not below the rank of Joint Secretary or equivalent dealing with matters relating to infrastructure in the Ministries including but not limited to Road, Transport and Highways, Civil Aviation, Ports, Shipping and Waterways, Railways, Housing and Urban Affairs and Tourism to be nominated by the Central Government—members, *ex-officio*;

(d) not exceeding seven representatives of the State Governments not below the rank of Joint Secretary to that Government or equivalent dealing with matters relating to infrastructure to be nominated by the Central Government in consultation with the State Government—members, *ex-officio*; and

(e) not exceeding three specialists in the field of infrastructure and allied fields with a minimum experience of fifteen years in the respective zone to be nominated by the Central Government—members;

(3) The Chairperson of the Boards shall be appointed from amongst the Members of Parliament in the Boards to be decided by consensus:

Provided that the position of Chairperson shall not remain vacant for more than ten days.

(4) The Central Government shall, for the purpose of enabling the Boards to perform functions under this Act, provide such number of officers and other employees as it may consider necessary.

(5) The salary and allowances payable to and other functions, powers, terms and conditions of service of the officers and other employees appointed under sub-section (3) shall be such as may be prescribed.

4. (1) Each Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings in such manner as may be prescribed:

Meetings
of the
Committees.

Provided that the Board shall meet at least twice in a year:

Provided further that the Board shall be allowed to meet even in the absence of the Chairperson with the next senior-most Member of Parliament presiding over the meeting:

Provided also that the meetings shall be convened by an officer as designated by the Chairperson.

(2) Each Board may invite the representatives responsible for development of infrastructure as it may consider appropriate for the discharge of its functions.

(3) The expenditure incurred on the Boards shall be in such manner as may be prescribed

5. Each Board shall—

Functions
of the
Committees.

(a) commission a survey of all the land area in their respective zones, to ascertain the need and scope of Greenfield Infrastructure Projects in their zones to enhance connectivity in such manner as may be prescribed;

(b) fix the priority of the development work to be undertaken particularly in economically backward regions in each zone and draw out five year plans with fixed priorities and landmarks of development, financing model suitability, tendering processes, structure of accountability and any other matter as it deemed fit;

(c) identify schemes and programmes of the Central or the State Governments under which the project may be carried out and submit the proposal thereof to the respective Government who in turn shall be required to revert with the feasibility of the project within thirty days;

(d) submit the five year plans to the Central Government;

(e) facilitate coordinated action to commission the proposed projects while deciding the best financing model suitability as well as remove constraints of any kind in the implementation of the projects;

(f) resolve matters related to provision of land and space in consultation with the respective Government for faster roll out of priorities;

(g) identify issues for follow up in each Houses of Parliament, State Legislative Assemblies and Local Governments for timely achievement of five year plan objectives;

(h) intensively monitor all time bound deliverables of the five year plans;

(i) closely review the flow of funds including the funds allocated and released by both Central Government and the State Government, utilization and unspent balances for each project;

(j) have the authority to summon and inspect any record for the purposes of looking into complaints/alleged irregularities received in respect of the implementation of the projects including complaints of mis-appropriation and diversion of funds and recommend follow-up action; and

(k) refer any matter for enquiry or suggest suitable action to be taken in accordance with the rules which should be acted upon by the concerned authority within thirty days.

CHAPTER III

ACCOUNTABILITY OF THE BOARDS

Dissemination
of
information
by the Boards.

6. (1) The knowledge and information collected or generated by each Board, including but not limited to the five year plan shall be disseminated to all the stakeholders in written format by a designated officer as nominated by the Chairperson.

(2) The meetings shall be recorded and made publicly available through a Management Information System (MIS) Portal to be developed by the Central Government in such manner as may be prescribed:

Provided that the proceedings of the meetings shall be recorded and uploaded on the MIS portal not exceeding five days after the conclusion of any meeting of the Board by a designated officer as nominated by the Chairperson.

(3) The Central Government shall monitor the five year plans developed by each Board and ensure that the targets are achieved.

CHAPTER IV

MISCELLANEOUS

Central
Government
to provide
funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the Authority for carrying out the purposes of this Act.

Act not in
derogation of
other laws.

8. The provisions of this Act shall be in addition to, and not in derogation of the provisions in any other law, for the time being in force.

Power of
Central
Government
to make rules.

9. (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the qualifications, experience, functions, powers, and terms and conditions of service of the officers and other employees of the Boards under sub-section (3) and (4) of section 3;

(b) the time and place of the meetings of the Committees and the procedure to be followed at such meetings under sub-section (1) of section 4 and the expenditure incurred on the meetings of the Boards under sub-section (3) of section 4;

Power of
Central
Government
to make rules.

(c) any other matter which is to be or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

States, cities and villages face immense economic, demographic and environmental challenges that prompt the public and private sectors to rethink their conduct of business. These challenges share an underlying need for modern, efficient and reliable infrastructure as well as optimal land use.

With an enhanced expenditure on capital, there is a multiplier effect that leads to millions of jobs generated in building and maintenance of the infrastructure as well as scope for easier and faster migration. This also provides for more effective delivery of services through last mile connectivity. Moreover, by connecting supply chains, these infrastructures enhance trade, commerce, tourism and travel by reducing costs of logistics and facilitating connectivity.

For the entire country to grow, we need to enhance connectivity at all levels of administration and governance which requires a reassessment of potential infrastructural spaces of development. The need is to create a Greenfield Infrastructure Board in each of the six zones of the country.

Greenfield Infrastructure refers to the infrastructure developed on empty land or previously undeveloped land and a project whose commissioning, planning and construction process is carried out from the scratch and grass route level.

The Board shall be entrusted with carrying out an initial survey and developing a plan with a five year perspective to identify areas where a greenfield project can be developed, fix priorities as per the need to enhance the connectivity in Economically Backward regions first as well as coordinate to remove constraints related to provision of land and space and monitor the flow of funds. The need is also to assess the Central, Centrally Sponsored or State schemes and programmes wherein the requisite infrastructure can be built and include the same in the plan.

It is also necessary that each Board shall have representation from the Central and State Governments including the Members of Parliament and Members of Legislative Assemblies. The Boards shall be required to meet at least twice a year to monitor the progress of the projects. They shall also be required to submit the plans developed by them to the Central Government and record all meetings to disseminate the information to all stakeholders.

The Bill, therefore, seeks to assess the land in the entire country to identify areas for development of greenfield infrastructure to facilitate development of backward regions as well as support the entire economy through enhanced trade and commerce.

Hence, this Bill.

NEW DELHI;
March 13, 2022.

RAJIV PRATAPRUDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Greenfield Infrastructure Development Boards in each of the six zones in the country. It also provides for appointment of specialists, dedicated officers and other employees to each Board. Clause 7 of the Bill provides for the Central Government to provide adequate fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two crore and forty thousand per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees sixty lakh is also likely to be incurred for survey.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules regarding the qualifications, experience, functions, powers, and terms and conditions of service of the officers and other employees of the Boards, the time and place of the meetings of the Boards and the procedure to be followed at such meetings, etc. As the matters in respect of which rules may be made by the Central Government are matters of procedure and administrative details only, the delegation of legislative power is, therefore, of a normal character.

L

BILL NO. 98 OF 2022

A Bill to provide for the establishment of Tourism Promotion Authority for the eastern region of the country and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Eastern Region Tourism Promotion Authority Act, 2022.

Short title,
extent and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:-

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "Authority" means the Eastern Region Tourism Promotion Authority established under section 3;

(c) "Eastern States" include West Bengal, Bihar, Jharkhand and Odisha; and

(d) "prescribed" means prescribed by rules made under this Act.

Constitution of
the Eastern
Region
Tourism
Promotion
Authority.

3. (1) The Central Government shall, within one year from the date of commencement of this Act, by notification in the Official Gazette, constitute an Authority to be known as the Eastern Region Tourism Promotion Authority for promotion of tourism in the Eastern States.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The headquarters of the Authority shall be at New Delhi and a regional office at Balurghat in the State of West Bengal and the Authority may, with the previous approval of the Central Government, establish offices in the Eastern States.

(4) The Authority shall consist of,—

(a) a Chairperson having vast knowledge and working experience in tourism and hospitality sector to be appointed by the Central Government in such manner as may be prescribed;

(b) one member each from the House of the People and the Council of States representing each of the Eastern States to be nominated by the respective Presiding Officers of each House of Parliament;

(c) seven members representing the Union Ministries of-

(i) Tourism;

(ii) Culture;

(iii) Finance;

(iv) Information and Technology;

(v) Planning;

(vi) Road Transport and Highways;

(vii) Railways; and

(d) three members representing the tour operators, to be appointed by the Central Government in such manner as may be prescribed.

(5) The Authority shall elect from amongst its members, a Vice-Chairperson who shall exercise such powers and perform such functions, as may be prescribed.

(6) The term of the office of the Chairperson and members of the Authority and the procedure to be followed by the Authority in discharge of its functions shall be such as may be prescribed.

(7) The Authority may associate with itself in such manner and for such purposes, as may be prescribed, any person whose assistance or advice it may require and the person so associated shall have the right to take part in the discussions of the Authority relevant to the purposes for which he has been associated, but shall not have the right to vote.

(8) The salary and allowances and conditions of service of the Chairperson and members of the Authority shall be such as the Central Government may, from time to time, determine.

4. (1) The Authority shall have a Secretariat consisting of a Secretary, a Planning Advisor and such other officers and employees as the Central Government may by order determine for efficient discharge of the functions of the Authority. Secretariat of the Authority.

(2) The Secretariat of the Authority shall function under the direction, supervision and control of the Chairperson of the Authority.

(3) The Administrative expenses of the Secretariat including salaries and allowances payable to the staff shall be borne by the Central Government.

5. (1) The Authority shall function as a planning and advisory body for the accelerated and all round development and promotion of tourism in the Eastern States and formulate various tourism related schemes for each of the Eastern State and address the issues of common tourism interest of Eastern States in time bound manner. Functions of the Authority.

(2) Without prejudice to the generality of the provisions of the sub-section (1) the plans and schemes for development and promotion of tourism may provide for—

(a) setting up of tourism facilitation centres at all entry points at the borders of each State and at airports and railway stations with a view to provide facilities such as reservation in air services, trains, buses, hotels, motels and guest houses for tourists;

(b) inter-linking of all the places of tourist importance of all the Eastern States by air, road and rail and extending communications, telecommunication and Information Technology facilities at such places;

(c) accelerated promotion of tourism in each Eastern State by way of compilation of tourism related infrastructural requirement of each State by deputing team of experts for making ground assessment of the tourism related infrastructural requirements and making appropriate recommendations;

(d) setting up of hotels, restaurants and motels at all tourism centres with a view to catering to the needs of different categories of domestic and international tourists and recognition of private sector hotels, motels and restaurants for the benefit of tourists in such manner as may be prescribed.

(e) recognizing and preparing a list of paying guest accommodations at places with no facility of hotel or motel accommodation for tourists;

(f) conducting organized tours of different centres of tourism in all the Eastern States;

(g) organising cultural functions and events in consultation with appropriate Government and other organisations concerned at various tourist places in each of the Eastern States at regular intervals so as to create awareness among domestic and foreign tourists and general public about the Indian culture, customs and traditions and way of life of the people;

(h) organising cultural functions in other countries in coordination with Indian Embassies and High Commissions with a view to depicting Indian Culture and Traditions and attracting the foreign tourists to Eastern States;

(i) training programmes for tourist guides and tour operators about historical importance of tourist places, traditions and culture of each of the Eastern States and services to be extended to domestic and foreign tourists;

(j) recognizing transport and taxi operators and fixing fares to be charged from the tourists in consultation with the appropriate Government;

(*k*) recognising shops, showrooms and stalls selling handicrafts, local ornaments and other such articles in order to prevent fleecing of tourists by unscrupulous traders and touts;

(*l*) setting up of health resorts based on Indian system of medicines at various tourist places in consultation with the appropriate Government;

(*m*) making arrangement for security of tourists particularly foreign tourists at various tourist centres in consultation with the appropriate Government;

(*n*) co-ordinating with the Archaeological Survey of India and tourism departments of the State Governments of the Eastern States with a view to protecting monuments and heritage sites; and

(*o*) making adequate arrangements of public conveniences and amenities such as toilets, urinals, drinking water and sitting places at tourist places in consultation with the appropriate Government.

Publicity of the programmes, policies and schemes for development of tourism.

6. The Authority shall give wide publicity to its planning, policies, schemes and programmes for development of tourism in the Eastern States through all means of communications including hoardings, banners, posters, booklets and print and electronic media in the country as well as abroad.

Annual Report.

7. (*1*) The Authority shall prepare, in such form and at such time in each financial year, as may be prescribed, its annual report, giving a true and full accounts of its activities during the previous financial year and submit a copy thereof to the Central Government.

(2) The Central Government shall cause the annual report to be laid, as soon as may be after receipt of the report under sub-section (*1*), before each House of Parliament.

Central Government to provide requisite funds.

8. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide, from time to time, requisite and adequate funds to the Authority as well as to the States covered under this Act for implementation of tourism development and promotional plans and schemes formulated by the Authority under this Act.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country has a vast tourism potential as we have a large number of historical places, monuments, forts, historical and archaeological sites and remains, national monuments, water bodies, beautiful beaches and coastal areas, desert places, gardens, lagoons, etc.

The four Eastern States are the unique blend of scenic beauty and picturesque locations having different cultures, traditions and many languages. These are located on eastern bottleneck of India stretching from Himalayas to the Bay of Bengal, presenting some marvelous landscape features and natural scenic beauty. Kolkata enjoyed the privilege of being the capital of British India and witnessed overall development and other parts couldn't be developed so much.

Most of the tourist centres do not have adequate facilities for the tourists and the State Governments are not in a position to spend money for providing the requisite facilities. Air connectivity and rail services are inadequate. The road network including Highways and National Highways either does not exist or wherever it exists, it is in a dilapidated condition. The hospitality sector is in doldrums with no worthy hotel accommodation and so is the travel sector with no worthy fleets of good buses, taxi and other modes. There are no tourist facilitation centres. The tourists get cheated by middlemen, touts and others. Such acts and lack of facilities discourage the tourists from visiting these beautiful places.

Of late, the Central Government has started to promote tourism in the Eastern States particularly in the States of West Bengal, Bihar, Jharkhand and Odisha by giving incentives to its employees while availing leave travelling concessions to visit tourist places in Eastern States.

Hence, it is proposed to set up a Tourism Promotion Authority exclusively for the Eastern States to concentrate upon promoting tourism in that region of the country.

Hence, this Bill.

NEW DELHI;
March 30, 2022.

SUKANTA MAJUMDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Eastern Tourism Promotion Authority. Clause 4 provides that the Central Government shall bear the administrative expenses of the secretariat of the Authority. Clause 5 provides for certain functions of the Authority for promotion of tourism in the Eastern States and providing of certain facilities for tourists. Clause 6 provides that programmes, policies and schemes for development of tourism in the Eastern States shall be given wide publicity. Clause 8 provides that the Central Government shall provide requisite funds to the Authority and the State Government concerned for implementation of schemes for promotion of tourism. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees two thousand crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

XXXXXI

BILL NO. 120 OF 2022

A Bill to provide for the development and welfare of fishermen in the country and for matters connected therewith or incidental thereto.

BE it enacted by the Parliament in the Seventy-third year of the Republic of India as follows:-

1. (1) This Act may be called the Fishermen (Development and Welfare) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "Board" means the Fishermen Development and Welfare Board established under section 3;

(ii) "fisherman" means a person engaged in fishing and fishing related works such as repairing, maintaining and manning boats, nets and other equipments used in fishing or peeling, drying and selling of fish and solely dependent on the income earner from selling of fish; and

(iii) "prescribed" means prescribed by rules made under this Act.

Fishermen
Development
and Welfare
Board.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be known as the Fishermen Development and Welfare Board.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Board shall consist of,—

(i) a Chairperson and four other members to be appointed by the Central Government in such manner as may be prescribed;

(ii) not more than one representative each from the Coastal States and Union territories to be nominated by the respective State Governments and Union territories Administrations;

(4) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other members, officers and staff of the Board shall be such as may be prescribed.

(6) The headquarters of the Board shall be at Kolkata and a regional office at Balurghat in the State of West Bengal and the Board may, with the previous approval of the Central Government, establish offices in all Coastal States of the country.

Board to
formulate a
scheme for
Development
and Welfare of
fishermen.

4. (1) The Board shall formulate schemes for the Development and Welfare of fishermen.

(2) Without prejudice to the generality of the foregoing provision, such schemes shall provide for—

(i) formulation of various welfare schemes for fishermen;

(ii) augmenting all fishermen welfare and development schemes of Central Government and other State Governments;

(iii) facilitating the export of fish;

(iv) provision of boats, nets, jetties and life boats at concessional rates;

(v) provision of loan facilities for purchasing of boats, nets and life boats;

(vi) provision of cold storage facilities for fish and other 'catches' by fishermen at subsidized rates;

(vii) transportation facility of processed fish to seaport or airport for the purpose of export at concessional rates;

(viii) insurance facilities;

(ix) free health care facilities to fishermen and their family members;

(x) old age pension;

(xi) subsistence allowance during such situations as floods, storms or rains when fishermen cannot go into sea for fishing; and

(xii) housing facilities at concessional rates.

5. Notwithstanding anything in this Act or any other law for the time being in force, the Central Government shall pay compensation of-

Compensation in case of death or serious injury.

(i) rupees ten lakh to the nearest kin of a fisherman in case of his death which shall be in addition to any assistance extended by a State Government or;

(ii) rupees five lakh to the fisherman in case of a serious injury to him due to any accident while catching fish on the high seas or actions of the pirates.

6. (1) Where a fisherman while fishing is imprisoned by a foreign country on account of straying into territorial waters of that country or is kidnapped by any person including pirates, the Central Government shall take all necessary measures to facilitate the early release and transportation of fisherman to his home.

Measures to facilitate release of fishermen from imprisonment by a foreign country.

(2) The Central Government shall pay a subsistence allowance of rupees five thousand per month in such manner as may be prescribed to the family of a fisherman imprisoned under the circumstances referred to sub-section (1) till the fisherman is released and brought home.

7. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide to the Board by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Grants by the Central Government.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Fisherman community are engaged in fishing as their primary occupation. Fishing collectively refers to catching aqua creature that are fit for consumption by humans. Fishing is done both in fresh water sources like lakes, stream and rivers as well as in marine ecosystems like seas and oceans. Also fishing as an occupation involves sorting and selling them in local and global markets.

Fishing is an important occupation for lakhs of people in our country since ancient times. The fish is processed and exported to many countries thereby generating a considerable monetary benefit to the country. Fishing industry provides employment to lakhs of people directly or indirectly. Fish is consumed by many people and fish oil is also used in making medicines.

Location of a fisherman plays an important role in the type of catch a fisherman would acquire to both run his business and make a livelihood. One must note just like farming even fishing is done in all States of the country. Lakhs of fishermen are involved in this occupation. But the difficulties the fishermen are facing are manifold. Fishing is seasonal occupation in the sense that fishermen cannot go into sea throughout the year for fishing. There is also no facility for processing, storage, marketing, transportation and export of fish. Moreover, a fisherman has to pay huge rent for boats, etc. which he has to hire during fishing and on a given day, he may not earn anything. Besides, in the recent times, fishermen are facing another grave situation of being fired upon, killed or attacked either by mistake or deliberately by defence forces of another country on the plea of intruding into the territorial waters of that country.

There have been many instances when our fishermen were killed or captured or imprisoned and tortured. The chances of being kidnapped by pirates on the high seas also add to their problems. No compensation or subsistence allowance is given by the Government in such cases. A mechanism for the Development and Welfare of fishermen is absolutely essential and the Bill aims at in that direction.

Hence, this Bill.

NEW DELHI;
March 31, 2022.

SUKANTA MAJUMDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Fishermen Development and Welfare Board. Clause 4 provides that the Board shall formulate a scheme for the Development and Welfare of fishermen. Clause 5 provides for compensation to a fisherman in case of death or serious injury. Clause 6 provides for subsistence allowance to the family of fishermen while they are imprisoned in a foreign country. Clause 7 provides for grants by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

XXXXXII

BILL NO. 115 OF 2022

A Bill to make military training compulsory for all able-bodied citizens and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training Act, 2022.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions

(a) "appropriate Government" means in the case of a State, the Government of that State and in the case of a Union territory, the Central Government; and

(b) "person" means a citizen of India above the age of fourteen years but less than fifty years.

Compulsory
military
training.

3. (1) The Central Government shall provide military training to all able-bodied persons for a period of not less than one year.

(2) The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit to give effect to the provisions of sub-section (1).

(3) Every person who successfully completes training under sub-section (1) shall be awarded a certificate to that effect by the Central Government.

Employment
to those who
have
undergone
military
training.

4. The appropriate Government shall give preference to persons who have successfully completed their military training in services under defence, para-military forces and such other establishments and organisations, as it may deem fit, for proper utilization of talent:

Provided that all such persons, who, after successful completion of their military training remain unemployed, shall be given unemployment allowances at such rate, as may be determined from time to time, by the Government till they are gainfully employed.

Power to
make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Almost all developing countries, even those smaller in size, population and resources than India, are providing compulsory military training to their citizens. Providing compulsory military training to able-bodied citizens does not in any way run counter to the ideal of international peace and harmony, which has been the hallmark of India's foreign policy since independence. Military training does not necessarily encourage the pugnacity of individual or the belligerence of the nation- States. On the contrary it inculcates qualities of discipline and sacrifice and fosters in each individual the spirit of brotherhood and amity. A well integrated and a coordinated programme of military training would be immensely beneficial to channelise the vast energies of our youth and would lead to their all-round development and enhancement of the welfare of the nation. People can defend and safeguard their houses from robbery and dacoity which are increasing day by day. Many innocent people are murdered in broad day light. With extremist activities on the rise in the country and the Government being not able to provide adequate protection to general public, self-defence becomes a must for every individual.

The Bill, therefore, seeks to provide for compulsory military training to all able-bodied citizens.

Hence, this Bill.

NEW DELHI;
April 4, 2022.

BHOLA SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide compulsory military training to all able-bodied persons for a period of not less than one year and for the purpose shall establish such number of institutions and shall take such other necessary steps, as it may deem fit. Clause 4 provides that persons who have undergone military training and remain unemployed shall be given unemployment allowance. The Central Government will have to incur expenditure in respect of the Union territories for carrying out the provisions of the Bill. The Central Government may also have to assist the State Governments for carrying out the provisions of this Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees seven thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

XXXXXIII

BILL NO. 121 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Article 30 of the Constitution shall be omitted.

Omission of
Article 30.

STATEMENT OF OBJECTS AND REASONS

India is a secular country. In spite of the Hindus being in majority, the Constitution of India especially protects the rights of the minorities. Article 30 and its various clauses were incorporated in the Constitution to protect the interests of the religious minorities but this article has many lacunas. The ground reality is that the minority communities are in total control of the educational institutions established by them, which means that the Government cannot interfere in their working.

On account of complete control exercised by such communities in management of these institutions, the Government is unable to intervene and control the situation in the cases of corruption. As per article 30(1A), there is no compulsion of enforcing reservation policies for backward sections in the minority institutions. On one side, the minority institutions fully enjoy the provision of complete freedom, on the other hand, the Hindu institutions have to face the interventions of the Government, which is an open discrimination against the non-minority communities.

Therefore, it is necessary that the article 30 of the Constitution may be omitted with a view to ensure the appropriate administrator of minorities educational institutions by the Government.

Hence, this Bill.

NEW DELHI;
April 4, 2022.

GOPAL CHINAYYA SHETTY

XXXXXIV

BILL NO. 107 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2022.

Short title.

2. In the Eighth Schedule to the Constitution, the existing entries 17 to 22 shall be re-numbered as entries from 18 to 23, respectively, and before entry 18 as so re-numbered, the following entry shall be inserted, namely:

Amendment of the Eighth Schedule.

"17. Rajasthani."

STATEMENT OF OBJECTS AND REASONS

Language is indicative of the history, culture, people, system of governance, ecology, politics, etc. of a region. 'Rajasthani' is a language of western Indo-Aryan origin spoken widely across Rajasthan and parts of Haryana, Gujarat and Madhya Pradesh. Rajasthani language is written in the Devanagari script. It has a rich heritage that can be traced back to more than 1500 years. Works of renowned ancient philosophers, astronomers, mathematicians, poets and writers dating back to 7th Century AD in Rajasthani language have also been identified and preserved. Rajasthani language can also be seen in different cultural fields such as music, arts, dance and drama.

Rajasthani language, while being historically and traditionally very rich, is subjected to gross neglect at the national level. This poses a risk of the language eventually losing its existence. Further Rajasthani language has so far not been included in the scheme of examinations being conducted by the Union Public Service Commission. As a result, students proficient in the language are unable to apply it efficiently. Hence by including Rajasthani in the Eighth Schedule, avenues of employment shall also be generated.

There have been persistent demands from the Rajasthani-speaking people for inclusion of the Rajasthani language in the Eighth Schedule to the Constitution. The National Academy of Letters, the Sahitya Akademi and the University Grants Commission recognize Rajasthani language as a distinct language. Rajasthani language is also taught in the Rajasthan State Board of Secondary Education. Yet, national recognition has not been accorded to the Rajasthani language.

Therefore, in view of the above, in order to protect, promote and preserve the sanctity of Rajasthani language and to protect the culture and the traditions of the speakers of this language, and also taking into consideration the importance of this language, it is necessary that Rajasthani language be given due recognition by including it in the Eighth Schedule to the Constitution.

Hence, this Bill.

NEW DELHI;
April 6, 2022.

DIYA KUMARI

LV
BILL NO. 101 OF 2022

A Bill to provide for payment of remunerative price to betel growers, free of cost insurance of betel crop, comprehensive welfare of betel growers and setting up of betel research centre and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Betel Growers (Welfare) Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires:-

(a) "betel" means the leaf of a plant grown in South and South East Asia and chewed as mild stimulant;

(b) "betel grower" means a person who cultivates betel;

(c) "Centre" means Betel Research Centre established under section 3;

(d) "Fund" means Betel Growers Welfare Fund constituted under section 7; and

(e) "prescribed" means prescribed by the rules made under this Act.

Betel
Research
Centre.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Centre to be known as Betel Research Centre to study, research and suggest measures to increase the productivity and quality of betel farming in the country.

(2) The headquarters of the Centre shall be at Kolkata in the State of West Bengal with four regional offices at Lucknow in the State of Uttar Pradesh, Patna in the State of Bihar, Hyderabad in the State of Andhra Pradesh and at Mumbai in the State of Maharashtra and the Centre may, with the previous approval of the Central Government, establish branches of the Centre in different parts of the country.

(3) The Centre shall consist of such number of experts, officers and employees to be appointed by the Central Government in such manner as may be prescribed.

(4) The salary and allowances payable to and other terms and conditions of experts, officers and employees of the Centre shall be such as may be prescribed.

(5) The Centre shall be operated by such rules as may be prescribed.

Procurement
of betel crop.

4. The Central Government shall procure the entire betel crop from the betel growers in the country through such agency and in such manner as may be prescribed.

Fixation of
remunerative
price of betel.

5. The Central Government shall after considering the following, determine the remunerative price of betel every year,-

(a) expenditure on construction of structures including bareja and mandap for betel farming;

(b) increase in the price of pesticides, fertilizers and other inputs;

(c) total investment of betel growers; and

(d) such other factors as may be prescribed.

Insurance.

6. The entire betel produced by the betel growers shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the productivity of betel, fall in the price of betel and such other eventualities as may be prescribed.

Betel Growers
Welfare Fund.

7. (1) The Central Government shall constitute a Fund to be known as the Betel Growers' Welfare Fund for carrying out the purposes of this Act.

(2) The Central Government and the State Government shall contribute to the Fund in such ratio as may be prescribed.

8. The Fund shall be used for the following purposes, namely:—

Utilisation of Fund.

(a) to provide financial assistance to betel growers for the expenditure on construction of structures like bareja, mandap for the betel farming, loss to crop due to pesticides, fertilizers, storm, excessive rain, hailstorming, flood, drought or in condition of loss of productivity of betel;

(b) for the payment of compensation to the next kin of betel growers in the event of their death;

(c) to provide free medical services to betel growers and their families;

(d) to provide assistance to betel growers in the event of disability; and

(e) for such other purposes as may be prescribed.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Agriculture is the main source of income in the country. Since many decades, condition of agriculture economy is fragile and due to many reasons people are forced to leave the betel farming due to no support and protection from the Government. There is a need to upgrade the agricultural technology, agriculture infrastructure development, investment, easy loan availability and simple agriculture insurance scheme for betel growers in the country. With the continuous and integrated efforts, the condition of betel growers may be improved in the country.

The vast economic potentiality of the betel crop can be adequately established by the fact that about 15-20 million people consume betel leaves in India on a regular basis besides those in other countries of the world which may include over 2 billion consumers. That apart a small boroj of about three decimal area can generate employment opportunity for an agricultural worker throughout the year helping him to maintain his family. Further, as far as the national employment generation is concerned, it is estimated that about 20 million people derive their livelihood directly or indirectly, partly or fully from production, processing, handling, transportation and marketing of betel leaves in India, which includes about 5 million workers from West Bengal.

In this way, the betel crop provides a National Income to the tune of rupees 6000-7000 million every year and at the same time it also provides an income of rupees 800-1000 million to the State of West Bengal. In addition to this, the Railways earn about rupees 100 million every year from transporting betel leaves from State of West Bengal to different parts of India like Bilaspur, Cochin, Gondia, Gandhinagar, Hyderabad, Jabalpur, Jalgaon, Katni, Nagpur, New Delhi, Raipur, Srinagar and Trivendram, etc. The leaves are also in great demand in several other countries of the world where it is either not grown at all or the demand exceeds the local supply. Consequently, leaves worth about rupees 30-40 million are exported to the countries like Bahrain, Canada, Great Britain, Hong Kong, Italy, Kuwait, Nepal, Pakistan, Saudi Arab and many other European countries. This clearly indicates the foreign exchange earnings.

The deep green heart shaped leaves of betel vine are popularly known as Paan in India. It is also known as *Nagaballi*, *Nagurvel*, *Saptaseera*, *Sompatra*, *Tamalapaku*, *Tambul*, *Tambuli*, *Vaksha Patra*, *Vettilai* and *Voojungalata* etc. in different parts of the country. There are about 100 varieties of betel vine in the world, of which about 40 are found in India and 30 in the State of West Bengal. In spite of its alienness, the plant is much more popular in India than in any other country of the world since the antiquity. a well-prepared betel quid is still regarded as an excellent mouth freshener and mild vitalizer, routinely served on the social, cultural and religious occasions like marriage, puja (religious festivals) and Sraddha ceremony, etc. It is also used as a special item offered to the guests in order to show respect.

In fact, this edible leaf has achieved an esteemed position in the human society right from the dawn of civilization, particularly in the countries like Bangladesh, Burma,

China, India, Indonesia, Malaysia, Nepal, Pakistan, Philippines, South Africa, Sri Lanka, Thailand etc. where leaves are traditionally used for chewing in their natural raw condition along with many other ingredients like sliced areca nut, slaked lime, coriander, aniseed, clove, cardamom, sweetener, coconut scrapings, ashes of diamond, pearl, gold and silver (Ayurvedic preparations), jelly, pepper mint, flavouring agent and fruit pulp etc.

This Bill, therefore, seeks to provide for improvement in betel production methods through new research and special provisions for the welfare of betel growers.

Hence, this Bill.

NEW DELHI;
April 8, 2022.

SUKANTA MAJUMDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of Research Centre to study, research and suggest measures to increase the productivity and quality of betel farming. Clause 4 provides for procurement of betel from betel growers by an agency to be set up by the Central Government. Clause 5 provides for fixation of remunerative prices for betel by the Central Government. Clause 6 provides for compulsory free insurance by the Central Government of betel against natural calamities, etc. Clause 7 provides for constitution of a Betel Growers Welfare Fund to which the Central Government and the State Governments shall contribute in such ratio as may be prescribed. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore will be involved per annum from the Consolidated Fund of India.

A non-recurring annual expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LVI

BILL NO. 174 OF 2022

A Bill to provide for the constitution of a Drought Suggestion Committee to suggest measures and take appropriate action in mitigation against drought and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Anti-Drought Measure and Mitigation Act, 2022.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) 'appropriate Government' means in the case of a State or a Union territory having legislature, the concerned State Government or the Union territory Administration, as the case may be, and in all other cases, the Central Government;

(b) "Committee" means the Drought Suggestion Committee constituted under section 4;

(c) "drought" means a deficiency of precipitation over an extended period of time (usually a season or more), resulting in a water shortage in a particular area;

(d) "Palmer Drought Severity Index (PDSI)" refers to the regional drought index used for monitoring drought events and study aerial extent and severity of drought in an area; and

(e) "prescribed" means prescribed by rules made under this Act.

3. The appropriate Government shall map the area of land under their jurisdiction based on Palmer Drought Severity Index (PDSI) into three categories, namely;

Mapping of Drought.

(a) Green Area having -2 and less to -1.99 index;

(b) Yellow Area 0 to 0.99 index; and

(c) Red Area 1 to 2.0 + index.

4. (1) The appropriate Government shall by notification in the Official Gazette, constitute a Committee to be known as the Drought Suggestion Committee for the yellow and red areas in such a manner as may be prescribed;

Constitution of Drought Suggestion Committee.

(2) The Committee shall consist of—

(a) a Chairperson who has been the judge of the High Court of the State concerned;

(b) the first class Magistrate of the area concerned; and

(c) the Superintendent of Police of the area concerned.

(3) The Committee shall encourage the following measures in Yellow Areas and Red Areas including:—

(a) water harvesting, protecting water sources against contamination, developing water sources such as micro dams, ponds and wells, use of reserve sources of groundwater and water rationing and allocation;

(b) restoring pastures and balancing land and water resources;

(c) recovering the water holding capacity of soils through tree planting (including fruit trees) and the protection of riverbanks and wetlands;

(d) implementing Integrated Water Resources Management, including mitigating upstream-downstream user conflicts and coordinating between water users, communities and sectors;

(e) shifting to drought-tolerant crops;

(f) managing livestock production within the landscape, including the relocation of herds, nomadic migrations and use of special reserved areas; and

(g) such other measures as it deems fit for carrying out the purpose of this Act.

Central
Government
to provide
funds.

5. The Central Government, shall from time to time provide, after due appropriation made by Parliament by law in this behalf, requisite funds for carrying out the purposes of this Act.

Power to
remove
difficulties.

6. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government, may by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Power to
make rules.

7. (1) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The economy of India is an agrarian economy and a larger population is dependent on agriculture. In spite of having rivers as sources of water, many regions in the country are still having a serious water deficit. The common problem of agriculture in the nation is that it has been suffering from inadequate and untimely rainfall which has adversely affected agricultural production, the only source of livelihood for many.

The need is also to protect water sources from damage caused by wildfire; improve ecosystem health, resilience, and other watershed and habitat conditions; improve, maintain, or restore water yield or quality; adapt the forest landscape to an increased threat of drought.

This Bill seeks to provide for the Constitution of a Drought Suggestion Committee which shall suggest measures to take appropriate action in mitigation against drought.

Hence, this Bill.

NEW DELHI;
July 1, 2022.

ANURAG SHARMA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provide for mapping of land under its jurisdiction into Green Area, Yellow Area and Red Area on the basis of Palmer Drought Severity Index (PDSI). Clause 4 provides for the Constitution of Drought Suggestion Committee. Clause 5 provides that the Central Government shall provide requisite funds for carrying out the purposes of this Act.

The Bill, therefore, if enacted, will involve as such no expenditure from the Consolidated Fund of India. However, it is estimated that recurring expenditure of about rupees fifty crore would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

LVII

BILL NO. 156 OF 2022

A Bill to constitute a National Commission for Economically Weaker Sections and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Commission for Economically Weaker Sections Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Chairperson" means the Chairperson of the Commission;

(b) "Commission" means the National Commission for Economically Weaker Sections as constituted under section 3;

(c) "economically weaker sections" means such sections of citizens who fulfill criteria as may be specified by the Central Government;

(d) "Member" means a Member of the Commission; and

(e) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

THE NATIONAL COMMISSION FOR ECONOMICALLY WEAKER SECTIONS

Constitution
of National
Commission
for
Economically
Weaker
Sections.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the National Commission for Economically Weaker Sections to exercise the powers conferred on, and to perform the functions as signed to it under this Act.

(2) The Commission shall consist of the following Members nominated by the Central Government:—

(a) a Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;

(b) a social scientist;

(c) two persons, who have special knowledge in matters relating to economically weaker sections; and

(d) a Member-Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

Term of
office and
conditions of
service of
Chairperson
and
Members.

4. (1) The Chairperson and every Member shall hold office for a term of three years from the date he assumes office.

(2) The Chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The Central Government shall remove a person from the office of Chairperson or a member if that person—

(a) becomes an un-discharged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) is of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(f) has, in the opinion of the Central Government, so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interests of Economically Weaker Sections or the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to, and the other terms and conditions of service of the Chairperson and Members shall be such as may be prescribed.

5. (1) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission.

Officers and other employees of the Commission.

(2) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 12.

Salaries and allowances to be paid out of grants.

7. No act or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

Vacancies, etc., not to invalidate proceedings of the Commission.

8. (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.

Procedure to be regulated by the Commission.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

9. (1) The Commission shall analyze suo-moto and examine requests relating to modification of criteria for inclusion of any section of citizen(s) under the Economically Weaker Sections list and hear complaints of over-inclusion or non-inclusion of any citizen and tender such advice to the Central Government as it deems appropriate.

Functions of the Commission.

(2) The advice of the Commission shall ordinarily be binding upon the Central Government.

10. The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:—

Powers of the Commission.

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

and

(f) any other matter which may be prescribed.

Periodic revision of criteria by the Central Government.

11. (1) The Central Government may at any time, and shall, at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake revision of the criteria to be used to identify the Economically Weaker Sections.

(2) The Central Government shall, while undertaking any revision referred to in sub-section (1), consult the Commission.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

Grants by the Central Government.

12. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and audit.

13. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Comptroller and Auditor-General.

(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

Annual report.

14. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report and audit report to be laid before Parliament.

15. The Central Government shall cause the annual report, together with a memorandum of action taken on the advice tendered by the Commission under section 9 and the reasons for the non-acceptance, if any, of any such advice, and the audit report to be laid as soon as may be after they are received before each House of Parliament.

CHAPTER V

MISCELLANEOUS

Chairperson, Members and employees of the Commission to be public servants.

16. The Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

Power to make rules.

17. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson and Members under sub-section (5) of section 4 and the officers and other employees under sub-section (2) of section 5;

(b) the form in which the annual statement of accounts shall be prepared under sub-section (1) of section 13;

(c) the form in, and the time at, which the annual report shall be prepared under section 14; and

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Following the recognition of a special class of citizens under the Economically Weaker Sections category, there has been a need for a National Commission to be constituted with the objective of monitoring all the safeguards provided for the Economically Weaker Sections.

There is also a need for frequent evaluation of the criteria required for inclusion in the Economically Weaker Sections list, as well as for investigation of complaints regarding the inclusion or exclusion of any person within the given category.

Therefore, in order to safeguard the interests of the Economically Weaker Sections more effectively, it is proposed to create a National Commission for Economically Weaker Sections with statutory status at par with the National Human Rights Commission.

The Bill seeks to achieve the above objectives.

Hence, this Bill.

NEW DELHI;
July 1, 2022.

MIDHUN REDDY

FINANCIAL MEMORANDUM

Sub-clause (2) of clause 3 of the Bill, inter alia, provides that the National Commission for Economically Weaker Sections shall consist of a Chairperson and four other Members and the conditions of service of tenure of the offices of the Chairperson and Members so appointed shall be such as the Central Government may, by rule determine.

The expenditure would be largely met from the budgetary support by the Government to the Commission and would be shaped by a range of factors including the number of meetings of the Commission and therefore, recurring or non-recurring expenditure cannot be anticipated at this stage.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LVIII

BILL NO. 172 OF 2022

A Bill to provide for special measures and for regulation of service rules at workplace in appointments of persons with disabilities in Government services under the Central Government and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Government Services (Regulation of Service Rules at Workplace in Appointments of Persons with Disabilities) Act, 2022.

Short title,
commencement
and
application.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

(3) It shall apply to Government Services under the control of Central Government.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Government" means the Central Government;

(b) "Government servant" means a person with disability (either at the time of his appointment or has become so during the course of his employment) but does not include a person who was appointed on daily wage or casual or apprentice or on *ad hoc* basis or contract or re-employment basis;

(c) "Government service" means any service to any Ministry, organisation, undertaking, autonomous body or society or any establishment for which funds are provided by the Central Government or where majority of shares are held by the Central Government;

(d) "Persons with disabilities" means a person with a long-term physical, mental, intellectual or sensory impairment that prevents full and effective participation in society in the face of obstacles equitably with other persons; and

(e) "prescribed" means prescribed by rules made under this Act.

Special measures for Government servant who is a person with disability.

3. (1) Notwithstanding anything contained in any other law, rule, order, bye-laws, notification or judgment or order of any court for the time being in force, the Central Government shall take special measures for the Government servant who is a person with disability either at the time of his appointment or has become so during the course of his Government service owing to some accident or otherwise.

(2) Without prejudice to anything contained in sub-section (1), the special measure shall include:-

(a) that the Government servant is posted at a place conveniently located from his usual place of residence;

(b) that the Government servant is posted in the office side for a desk job and not on field work:

Provided that the field work may be assigned to the Government servant only with his consent;

(c) that there shall be no bar in his appearing for departmental promotion examinations to the Government servant;

(d) provision of posting at same place of work even after promotion; and

(e) such other measures which the Government deems fit.

Power to remove difficulties.

4. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the

expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of persons with disabilities are appointed in the central services in the country. Post 2014, constant measures are being taken by the Central Government for the welfare of the disabled persons with a lot of sensitivity; the positive results of which are also being noticed. However, in these services, there is still need for a closer observation of the practical problems being faced by persons with disabilities in their work and at workplace in the Central Government services.

In this sequence, first of all the persons with disabilities should be posted at or near their original place of residence and current permanent residence so that they do not have to face problems related to transportation and accommodation. Along with this, as far as possible instead of being given field work, the persons with disabilities should be given desk work at the office. Most importantly, in any situation disability should not be a hindrance to the promotion. At present, internal examinations are conducted by various departments for promotion in central government services; but it is often seen that especially persons with disabilities in group "C" are discouraged from appearing in these examinations for promotion to Group 'B', the main basis is that officials are required to do 'Field Work,' whereas Group 'B' also has many positions at the workplace in which the persons with disabilities can be accommodated. The present Central Government is committed towards non-discrimination between the employees of general category and the employees falling under the category of persons with disabilities.

Therefore, it is necessary to sort out the practical problems faced by persons with disabilities at the workplace with sensitivity.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

KUNWAR PUSHPENDRA SINGH CHANDEL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LIX

BILL NO. 183 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article 25.

2. In the article 25 of the Constitution, after clause (1), the following proviso shall be inserted, namely:—

"Provided that no person or religious organisation shall—

(a) convert any person professing any religion to other religion by way of force, fraud, greed or ensnare; and

(b) indulge in violence even if there are ideological differences with the religion of others."

STATEMENT OF OBJECTS AND REASONS

The basic idea of Indian philosophy of life is peace and this idea has been an integral part of Indian political theory since ancient times. Though modern political theories describe the personal relations of the individuals and relations of the individual and the State, yet, the relation between the human being and the God is beyond the extent of political thinking. The Constitution of India provides freedom to all individuals to follow their respective religions and also to propagate their own religion. However, if the religious communities use force, fraud, greed or ensnare to convert the followers of other religions, it is likely to create a threat to public peace and the country will derail from the path of economic development. Indian culture is based on harmonious co-existence and it respects all religion but pronouncing only one religion as apt and causing problems and indulging in violence in front of followers of other religion is neither moral nor constitutional. Hence, this is the duty of the State to check such potential threats so that the followers of all religions may live in a cordial environment.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

KUNWAR PUSHPENDRA SINGH CHANDEL

LX

BILL NO. 181 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title
and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of article
325.

2. In article 325 of the Constitution, for the word, "sex", the words "sex, poverty" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

India is one of the most successful democracy in the world. It adopts dignity and equality of individuals with other values as an idealistic values. Every citizen has the right to contest elections and exercise right to vote. During historical period, certain classes of people were deprived of taking part in power and decisions-making. Society was engulfed with discriminations. However, from the very first day of the adoption of the Constitution, the aim of political justice has been achieved through provision of right to vote to every citizen of the country.

At present, Indian social structure has become more complex. A new class has come into existence as a result of financial complexities. The people belonging to low income groups have high probability of developing inferiority complex. There is a need to include the word "poverty" in article 325 so as to avoid discrimination on the ground of poverty including poor people in the general electoral roll.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

KUNWAR PUSHPENDRA SINGH CHANDEL

LXI

BILL NO. 159 OF 2022

A Bill to provide for conduction of all Union Government examination in all the languages included in the Eighth Schedule to the Constitution and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Conducting of Union Government Examinations in all Eighth Schedule Languages Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Union Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "exams" means all recruitment exams conducted by Union Government through its recruitment commissions and other such agencies;

(b) "recruitment commission" includes Union Public Service Commission, Railway Recruitment Board, Public Sector Undertakings, Public Sector Banks, Institute of Banking Personnel Selection, Reserve Bank of India, Staff Selection Commission and any other national agency responsible for conducting of examination for the posts and services under the Union Government; and

(c) "prescribed" means prescribed by rules made under this Act.

(d) "Union Government" means Government of India and its Departments, undertakings, recruitment commission and agencies.

3. It shall be the responsibility of the Central Government to ensure that all examinations being conducted by the recruitment commissions and such other agencies for the services and posts under the Union Government in all the languages included in the eighth schedule to the Constitution in such manner as may be prescribed.

Conduct of Examination by recruitment commissions and agencies in all the Eighth Schedule Languages.

4. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

5. (1) The Central Government, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is home to different languages where we enrich rich linguistic plurality. According to 2011 Census, there are total of 121 languages and 270 Mother tongues while Ethnologue counts it to be 454. The survey recently conducted by People's Linguistic Survey of India (PLSI) found that 780 languages in India. So this gives a clear picture of how India is linguistically diverse as a country. Majority of Indian young population aspires to be Government servants ranging from All India Services, Group A, Group B and some even Group C and Group D posts etc. The option of facing the Union Government exams only in English and Hindi language is acting as a barrier to once dream and aspiration especially one who is more comfortable in his/her native language. This has serious disadvantage to students who did not study in English medium or not from Hindi speaking States. This Bill tries to create more opportunity to non-hindi speaking States and persons who studied in medium of instruction other than Hindi and English such as Tamil, Malayalam, Kannada, Telugu, Marathi, Odia etc. Adoption of technology and effort of Government of India in translation right from Technology Development for Indian Languages in 1991 to as per the recommendation of National Knowledge Commission (NKC), Government of India launched National Translation Mission (NTM) in 2008. Since then NTM is collaborating with various institutes, universities private publishers etc. by providing academic and financial assistance for bringing out translations of pedagogic in Indian languages in order to reach out to the section of students with limited English knowledge.

With application of technology it shall be easier to conduct Union Government exams in all eighth schedule languages because 22 major Indian languages are listed in the eighth schedule of the Constitution of India and they are spoken by more than 96% of the total population. This is not new as recruitment to junior level posts in the Indian Railways is done through a Computer Based Test by 21 Railway Recruitment Boards (RRBs) located all over the Country. Where, the question paper for the RRB competitive examinations is objective type with multiple choices, in that addition to English question papers are set in 15 languages listed in the Eighth Schedule of the Constitution of India. Likewise Common Recruitment Process of Regional Rural Banks where online Main Examinations of Officers Scale I and Office Assistants (Multipurpose), the candidates are provided with an option to choose the medium of examination from the list of 13 regional languages, relevant to the State/UT, in addition to Hindi and English.

In Civil Services (Mains) Examination conducted by UPSC, the candidate has the option to write his/her answers in any regional language, except in case of language and literature paper, but the question paper is framed in only Hindi and English. The thing is that candidates are ready to take up the exams in their native language but still option of only providing Hindi and English make some to struggle but many give up the dream to join the Government services.

The competitive exams for recruitment to posts in Union Government, Central Public Sector Undertakings, Indian Railways, Defence services and nationalised banks etc. are still conducted in only Hindi and English shall be hereafter conducted in all eighth schedule language. This indicates setting/framing questions and medium for descriptive papers for all entry level and different stages of the Union Government exams shall be in all eighth schedule languages which replace the option of having only Hindi and English. This promotes inclusivity and provides equal and fair opportunity to aspirants to the person who did not study in English medium and from all States especially non-Hindi speaking States.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

DHANUSH M. KUMAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the Union Government to conduct examinations being conducted by Union Public Service Commission and other agencies in all the languages included in the Eighth Schedule to the Constitution.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LXII

BILL NO. 130 OF 2022

A Bill further to amend the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

5 of 1974.

2. In section 2 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code)— Amendment of section 2.

(a) after clause (j), the following clause shall be inserted, namely:—

"(ja) "malicious prosecution" means instituting the prosecution complained of without any existing reasonable or probable cause;" and

(b) after clause (x), the following clause shall be inserted, namely:—

"(xa) "wrongful prosecution" means malicious prosecution or prosecution instituted without good faith, which concluded in favour of the accused, and includes any of the following, namely:—

(i) making or fabricating a false or incorrect record or document for submission;

(ii) making a false declaration or statement before an officer authorised by law to receive as evidence when legally bound to state the truth that is to say by an oath or by a provision of law;

(iii) otherwise giving false evidence when legally bound to state the truth that is to say by an oath or by a provision of law;

(iv) fabricating false evidence for submission;

(v) suppression or destruction of an evidence to prevent its production;

(vi) bringing a false charge, or instituting or cause to be instituted false proceedings against a person;

(vii) committing a person to confinement or trial acting contrary to law;

(viii) acting in violation of any law in any other manner not specifically covered under (i) to (vii) above;".

Amendment of
section 357C.

3. In section 357C of the Code,—

(a) for the words "first aid or medical treatment", the words "first aid or medical treatment and mental healthcare" shall be substituted; and

(b) the following provisos shall be inserted, namely:

"Provided that mental healthcare shall be provided by a mental healthcare practitioner who may be a psychotherapist, counsellor, psychoanalyst, who has a degree in psychology and is eligible to provide therapy or counselling:

Provided further that such mental healthcare shall be provided in a routine manner, throughout the course of the investigation and trial, and progress noted, as per rules as may be prescribed by the Central Government:

Provided also that the consent of the victim to undergo or deny mental healthcare shall be taken in writing by the mental healthcare practitioner in such manner as may be prescribed:

Provided also that mental healthcare service shall be carried out under the aegis of the State Mental Health Authority as constituted under the Mental Healthcare Act, 2017 (No. 10 of 2017).".

Amendment of
section 358.

4. In section 358 of the Code, in sub-section (1), for the words "one thousand rupees", the words "twenty thousand rupees" shall be substituted.

5. After section 358 of the Code, the following sections shall be inserted, namely—

Amendment
of section
358.

358A. (1) An application seeking compensation for a wrongful prosecution may be made:—

Application
for compen-
sation for
wrongful
prosecution.

(a) by the accused person, who has sustained the injury; or

(b) by any agent duly authorised by the accused person, who has sustained the injury; or

(c) where the accused person died either before or after the termination of the wrongful prosecution, by all or any of the heirs or the legal representatives of the deceased:

Provided that where all the heirs or the legal representatives of the deceased have not joined in any such application for compensation, the application shall be deemed to have been made on behalf of and for the benefit of all the heirs and the legal representatives of the deceased.

(2) Every application under sub-section (1) shall be filed, at the option of the applicant, either in the Court of Magistrate as authorised and empowered by the High Court having superintendence and jurisdiction over the area in which the wrongful prosecution occurred in such manner as may be prescribed.

(3) In case of longer incarceration exceeding six months, the magistrate so empowered may, after providing an opportunity of hearing to the applicant and the other parties, award interim compensation to the applicant, if so claimed, to facilitate his immediate rehabilitation, such compensation which shall not exceed fifty thousand rupees, but in any case shall not be less than twenty five thousand rupees.

(4) Every application for compensation under sub-section (1) shall be preferred within a period of two years from the date when acquittal attains finality:

Provided that the Magistrate so empowered may entertain the application after the expiry of the said period of two years but not later than three years, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time.

Explanation 1.—For the purpose for this section—

(a) "injury" means any harm caused to any accused, of body, mind, reputation or property, actual or as a probable result of the wrongful prosecution; and

(b) "compensation" includes pecuniary or non-pecuniary compensation, or both; whereas the non-pecuniary compensation includes counselling services, mental health services, vocational or employment skills, development, and such other services or assistance that the accused may require to facilitate reintegration into society."

358B. (1) Subject to the provisions of sub-section (2), any person aggrieved by an award of a Magistrate so empowered under sub-section (2) of section 358A may, within a period of ninety days from the date of the award, prefer an appeal to the High Court.

Appeal.

(2) No appeal by the person, who is required to pay any amount in terms of such award, shall be entertained by the High Court, unless he has deposited with it 5 twenty-five thousand rupees or fifty per cent of the amount so awarded, whichever is higher, in the manner as may be prescribed.

(3) The High Court may entertain an appeal after the expiry of the said period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(4) No appeal shall lie against an award of a Magistrate so empowered if the amount awarded is less than fifty thousand rupees.

Power to make
rules.

358C. (1) The Central Government or as the case may be the concerned State Government, by notification, make rules for the purpose of carrying out the purposes of this Chapter.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the form of making application for claims for compensation and the particulars it may contain, to be paid in respect of such applications under sub-section (2) of 358A; and

(b) the form and the manner of the payment of amount for preferring an appeal against an award of a Magistrate under sub-section (2) of section 358B.

STATEMENTS OF OBJECTS AND REASONS

Violence, and in particular sexual violence, violates the body and intrinsic human rights, but also has an indelible and long-lasting impact on the victim's life and psyche. Anxiety, depression, low self-esteem, suicidal tendencies, is typical repercussions of a violent experience. In a short term, a victim experiences fear, nightmares, anger, shame, guilt and even a combination of all of these and more. If untreated, these can also manifest more serious issues such as Post Traumatic Stress Disorders.

Recognizing such impact, the Ministry of Health and Family Welfare Guidelines and Protocols for Medico Legal Care for survivors/victims of sexual violence (MOHFW, 2014) prescribes psychological counselling as a mandate but this has been found to be a largely unimplemented practice (PLD, 2015). These guidelines have been adopted by only nine States and even there, they are seldom followed (Human Rights Watch, 2017). The victims are therefore; left alone to fight these demons that they develop due to the traumas of sexual assault and a need is felt of a mental healthcare professional to guide them through, safely.

As acknowledged by the Hon'ble Supreme Court of India in Delhi Domestic Workers Union vs. Union of India 1995 SCC (1) 14, undergoing the procedures of the criminal justice system leads to added trauma, humiliation, and severe psychological stress, with the victim forced to recount every detail of their suffering multiple times throughout the course of the trial. Thus, mental healthcare becomes paramount not just to ease the trials and tribulations of the victim, but to also help them start their healing process and be on the road to recovery.

The Hon'ble Supreme Court, in Charles Sobhraj vs. Supdt. Central Jail, Tihar, AIR 1978 SC 1514, established that 'life and personal liberty' must include a dignified life. Further, in the case of Consumer Education and Research Centre vs. Union of India 1995 AIR 992, the Apex court held that the right to health and access to health care is an important facet of living a dignified life, therefore it is the State's responsibility to ensure ease in access. In Re: Inhuman Conditions in 1382 Prisons, the Apex court in a landmark judgement established the importance of mental health professionals in the criminal justice system. The court therefore included mental health as an integral part of an individual's life under Article 21, and the State assumed responsibility to uphold such a right. Thus, the State must, by way of this amendment, make available such a right for all victims of sexual violence.

In both the Protection of Women from Domestic Violence Act, 2005 and Protection of Children from Sexual Offences Rules, 2020, a mechanism of mandated psychological care to victims has been envisaged. By way of this amendment, an attempt is being made to extend that system to benefit victims of sexual crimes.

Furthermore, the Code of Criminal Procedure prescribes for compensation to people arrested groundlessly under Section 358, however, the amount prescribed under the said section remains to be rupees one thousand which is not the right pecuniary compensation for the loss of liberty and loss of dignity said person has suffered. Hence, the aim of the amendment is to increase the said compensation amount and allow the magistrate to award compensation to such persons who are victims of false FIR's and arrests in consequence to that upto rupees twenty thousand. The amendment further moves to add sections which protects a person and provides for pecuniary compensation for wrongful prosecution. It empowers the magistrate to provide for a magistrate empowered by High Court which has superintendence and jurisdiction over such area to protect such persons and compensate them after and if they move application against their wrongful prosecution which has left repercussions and consequences deterrent to their dignity and prestige in the society.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

UNMESH BHAIYYASAHEB PATIL

Clause 3 of the bill provides that mental healthcare shall be provided not just once, but in a routine manner, throughout the course of the investigation and trial, and progress noted, as per rules that may be prescribed by the Central Government.

The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

LXIII

BILL NO. 144 OF 2022

A Bill to provide for a comprehensive policy for the development of the youth in the country.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Youth Welfare Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means in the case of a State, the Government of that State and in all other cases the Union Government;

(b) 'youth' means a person who has attained the age of fifteen years but is not above the age of thirty-two years;

(c) 'youth organisation' means an organisation of youth which provides for universal membership, without any discrimination on the basis of race, religion, language, caste, creed or sex and the Constitution of which provides for its democratic functioning in respective States and Union territories, as the case may be; and

(d) 'prescribed' means prescribed by rules made under this Act.

Compulsory and free educational facilities.

3. The appropriate Government shall provide to every eligible youth,—

(a) compulsory and free education including technical education;

(b) materials like books, stationery and uniform free of cost;

(c) free hostelfacilities;

(d) scholarshipstomeritoriousstudents;

(e) freetransportfacilities;

(f) pocket allowance at the rate of rupees two hundred to rupees two hundred fifty per month according to the age of the youth, as may be prescribed;

(g) recreational facilities free of cost; and

(h) free access to all libraries and technical institutions.

Sports facilities to the youth.

4. The appropriate Government shall provide,—

(a) training in sports to every eligible youth and facilities for participation in sports activities both inside and outside the country;

(b) representation to youth organisations in sports associations; and

(c) such other facilities, as may be prescribed, for the welfare of youth, who represent thecountry in sports, throughout his lifetime.

Provision of nutritious meal in schools, etc.

5. The appropriate Government shall provide nutritious meals free of cost to all the students in schools, colleges, universities, hostels and technical institutions.

Medical and healthcare facilities to the youth.

6. The appropriate Government shall provide medical and healthcare facilities to the youth free of cost.

Appointment of Expert Committees.

7. (1) The appropriate Government shall appoint an Expert Committee consisting of such number of eminent educationists and psychologists, as may be prescribed, in every district.

(2) The Expert Committee shall recommend the type of education or training in a vocation to be imparted to a youth of the district after he or she passes the tenth class examination.

Training of the youth in trade and vocation.

8. The appropriate Government shall evolve a scheme under which every eligible youth shall be imparted training in modern apprenticeship trades and vocations.

Military training to the youth.

9. The Central Government shall provide military training to all the able-bodied youth and those who successfully complete the training shall be given preference in employment in defence services.

10. The appropriate Government shall provide—

Provision of
employment.

(i) employment to the youth after completion of their education or training;
or

(ii) unemployment allowance at such rate, as may be prescribed, till they are
provided with gainful employment.

11. The Central Government shall, after due appropriation made by Parliament by
law in this behalf, provide adequate funds to the State Governments for carrying out
the purposes of this Act.

Central
Government
to provide
adequate
funds.

12. (1) The Central Government may, by notification in the Official Gazette, make
rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made,
before each House of Parliament, while it is in session, for a total period of thirty days
which may be comprised in one session or in two or more successive sessions, and if,
before the expiry of the session immediately following the session or the successive
sessions aforesaid, both Houses agree in making any modification in the rule or both
the Houses agree that the rule should not be made, the rule shall thereafter have effect
only in such modified form or be of no effect, as the case may be; so, however, that any
such modification or annulment shall be without prejudice to the validity of anything
previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, no clear-cut policy for youth has been laid down in our country. The education should be the right of every youth and not a privilege of a few and employment should be guaranteed to them. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated gradually. The youth today is also facing serious health problems, absolute inadequacy in sports and cultural facilities. A considerable chunk of youth population is still reeling under poverty. A proper policy is required to be evolved for comprehensive development of the youth and proper utilization of their energies and education. A comprehensive youth policy for their all-round development is, therefore, absolutely necessary.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory and free education and also supply of materials like books, stationery and uniform free of cost and pocket allowance to all the youth. It also provides for free hostel and transport facilities and scholarships to youth. Clause 4 provides for training and participation of youth in sports activities. Clause 5 provides for nutritious diet free of cost to all the students in schools, colleges, universities and hostels. Clause 6 provides for medical and health care facilities to all the youth. Clause 7 provides for appointment of an Expert Committee to recommend the type of education that is to be imparted to the youth. Clause 8 provides for formulation of a scheme under which the youth will be imparted training in modern apprenticeship trades and vocations. Clause 9 provides for military training to able-bodied youth by the Central Government. Clause 10 provides for employment to all the youth after completion of their education, training or vocation or unemployment allowance till they are provided with gainful employment. Clause 11 provides for payment of adequate funds to the State Governments for carrying out the purposes of the Act.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of the Union territories. The State Governments will incur the expenditure from their respective Consolidated Funds in respect of their States supplemented by assistance from the Central Government. An annual recurring expenditure of about rupees three hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

LXIV

BILL NO. 134 OF 2022

A Bill to provide rights to visually impaired persons, enabling them to avail employment, social and financial security, civil and other services, to live with human dignity, self respect as independent citizens and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Visually Impaired Persons (Protection of Rights) Act, 2022.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "Board" means the Employment Advisory Board constituted under section 6;

(c) "family" includes wife, husband and minor children;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "visually impaired person" means a person with decreased ability to see to a degree or with blindness which causes difficulties in normal activities such as driving, reading, socializing and walking.

Central Government to frame a national policy.

3. Notwithstanding anything contained in any Act for the time being in force, the Central Government shall as soon as may be, but within six months of the commencement of the Act, by notification in the official Gazette, frame a national policy for protection and welfare of the rights of the visually impaired persons.

Appropriate Government to provide employment to visually impaired persons.

4. It shall be the duty of the appropriate Government to provide employment to unemployed visually impaired persons in such manner as may be prescribed.

Grant of unemployment allowance.

5. (1) Every unemployed, underemployed, aged visually impaired person shall be entitled to receive such monthly unemployment allowance as may be prescribed till such time he is gainfully employed.

(2) While fixing the rate of unemployment allowance, the Central Government shall take into account the age, educational qualifications, technical skills, visual difficulties and such other factors as it may deem necessary:

Provided that different rates of unemployment allowance may be prescribed for different categories of visually impaired persons and for such persons living in different States or parts of States.

Constitution of Employment Advisory Board.

6. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute an Employment Advisory Board for carrying out the purposes of this Act.

(2) The Board shall consist of the following persons, namely:—

(a) a retired judge of the Supreme Court of India—Chairperson;

(b) two representatives of the rank of the Secretary to the Government of India to be appointed by the Central Government—Members;

(c) one representative from Union Ministry of Social Justice and Empowerment—Member Secretary;

(d) two representatives from the National Association for the Blind having experience in providing rehabilitation to the Blind, to be appointed by the Central Government in such manner as may be prescribed—Members;

(e) one representative of the rank of Joint Secretary from NITI Aayog—Member;

(f) one woman representative having experience in the field of rehabilitation of Blind Women and Children, to be appointed by the Central Government—Member; and

(g) one representative from the National Institute for the Visually Handicapped (NIVH) Dehradun to be appointed by the Central Government—Member.

(3) The salary and allowances payable to and other terms and conditions of services of Chairperson, members, officers and staff of the Board shall be such as may be prescribed.

7. The Board shall meet at such places and times and observe such rules of procedures in regard to transaction of business at its meetings including quorum as may be prescribed:

Meeting of
the Board.

Provided that Board shall meet at least once in a month.

8. The powers and functions of the Board shall inter alia include to,—

Powers and
functions of
the Board.

(a) advise the Central Government on policy matters pertaining to the visually impaired persons;

(b) review existing policies, rules, regulations and procedures with a view to encompassing values, needs and aspirations of the visually impaired persons;

(c) provide intensive individualized and personalized education and free vocational training to all employable visually impaired youth;

(d) setting up training centres along with hostel facilities by the appropriate Government for the adult blind to provide Light Engineering/Fitter, Steno Training, Recanting, Book Binding, Computer Training, Hand works, weaving etc.;

(e) modernize all vocational training institutes and services for the visually impaired persons in coordination with the appropriate Government;

(f) co-ordinate with the appropriate Government to ensure professional rehabilitation of the visually impaired persons by specialist qualified staff;

(g) co-ordinate with the appropriate Government to introduce modern management techniques;

(h) co-ordinate with the appropriate Government to substantially upgrade standards of vocational training to the visually impaired persons;

(i) co-ordinate with the appropriate Government to develop multiplicity of skills in the visually impaired persons;

(j) co-ordinate with the appropriate Government to make training for the visually impaired persons work/employment/job oriented;

(k) co-ordinate with the appropriate Government to train, and continue to upgrade staff members training;

(l) co-ordinate with the appropriate Government to instill good work habits and work tolerance among the visually impaired persons;

(m) co-ordinate with the appropriate Government to ensure full capacity utilization;

(n) co-ordinate with the appropriate Government to use all normal community resources fully;

(o) co-ordinate with the appropriate Government to promote employment among the visually impaired persons by all known channels, such as self-employment, rural employment, industrial employment, co-operatives etc.;

(p) co-ordinate with the appropriate Government to follow principles of selective placement to match job demands with client's abilities for the benefit of the visually impaired persons;

(q) co-ordinate with the appropriate Government to promote on-the-job training programmes and multi-disciplinary assembly lines in large industrial plants;

(r) co-ordinate with the appropriate Government to provide vocational guidance, vocational assessment, evaluation and career-planning services to the visually impaired persons;

(s) involve high-level technicians, techno-crafts, trade unions, and employers' organizations;

(t) conduct research with the help of international and national level research laboratories and research and development departments of industries and eminent scientists especially research in developing or adapting aids, appliances, equipment or techniques;

(u) organize resource cells in all National and State level organizations which may provide or supervise community-based services to the visually impaired persons;

(v) set up clearing houses for dissemination of information and knowledge of latest advancements in technology for the benefit of the visually impaired persons;

(w) promote regional co-operation and spare experts for staff training for the benefit of the visually impaired persons;

(x) launch intensive mass-media publicity for raising public awareness towards needs of the visually impaired persons;

(y) create community awareness through the mass-media;

(z) recommend to the appropriate Government to accept full responsibility for meeting all the special needs of the blind and visually-impaired persons;

(aa) recommend to the appropriate Government to provide the special needs for employment mobility and integration of the blind and visually-impaired persons;

(ab) recommend to the appropriate Government to set up exclusive commissions or Directorate for the rehabilitation of the disabled, with specialist representation for each of the major disabilities including visually impaired persons;

(ac) recommend to the appropriate Government to grant tax-deductions and other benefits to employers who employ the disabled, including the blind and visually impaired persons;

(ad) recommend to the appropriate Government to give top priority to the rehabilitation of the visually impaired persons with multiple visual impairment, visually impaired women and children, visually impaired persons in rural areas, and the elderly; and

(ae) recommend to the appropriate Government to formulate comprehensive social security schemes, subsidize blind people not able to earn a living wage, provide pension schemes for the elderly and multiple handicapped and to comprehensively cover the disabled in all social and pension schemes.

Annual
Report.

9. (1) The Board shall prepare once every year, as may be prescribed, an annual report giving summary of its activities including schemes and recommendations to the appropriate Governments during the previous year and shall contain statement of the annual accounts of the Board.

(2) A copy of the report shall be forwarded to the Central Government and the Central Government shall lay the report before each House of the Parliament as soon as it is received.

10. The Central Government shall after due appropriation made by the Parliament by law in this behalf, provide adequate funds to the State Governments for the purposes of this Act.

Central Government to provide funds.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but same as aforesaid the provisions of this Act, shall be in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

12. (1) The Central Government in consultation with the State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Blind people living in rural areas constitute 80% of the blind population in developing countries like India. They are scattered throughout millions of isolated and remote villages. For lack of an adequate and well organized delivery system of services, it is going to be extremely difficult to ensure that the fundamental human rights to the rural visually impaired and to ensure that they all definitely receive the relevant services according to their specific disabilities.

Unemployment is one of the biggest problems in India. Lyndon B. Johnson said, "We must open the doors of opportunity, but we must also equip our people to walk through those doors." We must aim at total rehabilitation of the visually impaired and equip them with a multiplicity of skills, so as to enable them to face the challenges ahead in the life.

Since nature has denied to the blind its most precious gift-vision-the State and the community should go all out to ensure that they are not further denied fundamental human rights and that they are enabled and assisted to get facilities like health care, education, employment, civic and other services like other citizens in order to live with human dignity and as self-respecting, independent citizens.

It is estimated that the world's blind population was in the order of 100 million in 2020. The visually challenged form 18.6 per cent. of India's 26.8 million disabled population of whom 15.7 million are in the employable age of 15 to 59 years. Yet 60.4 per cent. of India's disabled people are either without work or are marginally employed according to 2011 census. Therefore there is an urgent need to provide gainful employment to the visually impaired persons.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for grant of unemployment allowance to visually impaired persons. Clause 6 of the Bill provides for constitution of the Employment Advisory Board. Clause 10 provides that the Central Government shall provide funds for the purpose of this Act. Therefore, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible to estimate at this stage as to the exact amount which is likely to be incurred towards recurring and non-recurring expenditure for the purpose.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LXV

BILL NO. 164 OF 2022

A Bill to provide for reservation of posts in Government Establishments and formulation of welfare schemes and programmes for orphans and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Orphans (Reservation of Posts in Government Establishments and Welfare) Act, 2022.

(2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointing authority" means the authority empowered in an establishment to make appointment to service of post;

(b) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, the Central Government; and

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(c) "establishment" means every body or authority founded, owned, controlled, managed or financed by the appropriate Government and includes the following,—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

(ii) any company or body corporate of association or body of individuals, firm, cooperative or other society, association, trust, agency or institution;

(d) "Group 'A' post" means a post which is classified as such by the President in exercise of the powers conferred by the proviso to article 309 of the Constitution or by or under any Act of Parliament and includes an equivalent post in any establishment;

(e) "orphan" means a person below the age of eighteen years who has lost both parents due to death or disappearance, abandonment or desertation by, or separation;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "scientific or technical post" includes post for which qualification in natural sciences or exact sciences or applied sciences or technology are essential and the incumbent of such post shall have to use his or her knowledge in such sciences for discharge of duties.

CHAPTER II

RULES AND REGULATIONS FOR RESERVATIONS

Reservation of posts for orphans appointment in civil services.

3. (1) The appropriate Government shall reserve such percentage of posts for the orphans for appointment in civil services by direct recruitment and promotion, in such manner, as may be prescribed.

(2) The vacancy reserved for orphans under sub-section (1) shall be filled in such manner as may be prescribed.

No reservations in certain cases.

4. (1) Notwithstanding anything contained in section 3, there shall be no reservation where appointments are made—

(i) for a period of less than forty-five days;

(ii) for any emergency relief work; and

(iii) to posts higher than the lowest grade of Group 'A' posts and to posts classified as scientific or technical posts.

(2) The Central Government may, by notification in the Official Gazette, include or omit any institution of national importance and Indian Institutes of Management from the purview of this Act and on the publication of the notification, such institution shall be deemed to be included in or as the case may be, omitted under this Act.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

5. Notwithstanding the provision of section 3, appointment to an unreserved vacancy shall be open to all eligible persons including an orphan. Appointment to unreserved vacancy.

6. (1) The maximum age limit fixed for direct recruitment to a service or post shall be increased by five years for the orphans. Relaxations of age.

(2) The maximum age limit fixed for promotion to a post, if any, shall be increased by five years for the orphans:

Provided that no relaxation shall be available where the maximum age limit for promotion has been fixed above fifty years.

7. The examination fee or application fee, determined for recruitment to a service or post through competitive examination or otherwise, may be reduced to such extent for the orphans, as may be prescribed. Fees concession.

8. The vacancies reserved for the orphans shall be filled by the orphans exclusively. Reserved vacancies to be filled by orphans only.

9. Where posts in an establishment are to be abolished and as a result thereof, the services of certain persons are required to be either surrendered or terminated, no such surrender or termination shall be made in respect of the orphans, if it results in lowering their representation in relation to the percentage of reservation fixed for them. Abolition of posts in an establishment.

CHAPTER III

MEASURES BY GOVERNMENT

10. The appropriate Government shall take steps to secure full and effective participation of orphans and their inclusion in society which may include: Measures to be taken by appropriate Government.

(i) taking such measures as may be necessary to protect the rights and interests of orphans, and facilitate their access to reservations as framed by that Government by issuing orphan certificate in such manner as may be prescribed;

(ii) formulation of welfare schemes and programmes which are sensitive and non-discriminatory towards orphans;

(iii) taking steps for the rescue, protection and rehabilitation of orphans to address the needs of such persons; and

(iv) developing and organizing training programmes to advance the competence of the orphans for appointment to services and posts.

CHAPTER IV

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

11. (1) Every establishment shall designate an officer of such rank, as may be prescribed, to function as a liaison officer for the purpose of ensuring that the provisions of this Act or the rules made thereunder are not contravened. Appointment of a Liaison officer.

(2) The liaison officer shall, from time to time, inspect and verify the documents, records and reports with respect to appointments of the orphans made by the appointing authority by direct recruitment or promotion.

(3) Where the liaison officer is satisfied that any establishment has contravened the provisions of this Act or the rules made thereunder or any direction or instruction issued, he shall submit a report of such contravention to the head of the establishment.

(4) On receipt of the report of contravention under sub-section (3), the head of establishment shall take such disciplinary action against the person responsible for such contravention as may be prescribed.

Maintenance of records by appointing authority.

12. Every appointing authority, shall maintain documents and records, and furnish every year a report on the appointments of the orphans made by direct recruitment and promotion to the appropriate Government in such manner and at such time, as may be prescribed.

CHAPTER V

OFFENCES AND PENALTIES

Penalties for false claim.

13. Whoever intentionally,—

(i) makes a false claim that he is an orphan; or

(ii) issues a false orphans certificate,

shall be liable for punishment for a term, which may extend to three years.

Penalty on person responsible for implementation of the Act.

14. Where any person responsible for implementing the provisions of this Act or the rules made thereunder, intentionally breaches any of such provisions, he shall be liable for disciplinary action under the service rules.

CHAPTER VI

MISCELLANEOUS

Act to have overriding effect.

15. The provisions of this Act shall be in addition to, and not derogation of, any other law for the time being in force.

Protection against legal proceedings.

16. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Power to make rules.

17. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the percentage of posts for reservation and the manner of reservation under sub-section (1) of section 3;

(b) the manner of filling vacancies under sub-section (2) of section 3;

(c) the extent of reduction in examination fee and application fee under section 7;

(d) the rank of the officer to be designated as the liaison officer under sub-section (1) of section 11;

(e) the documents and records to be maintained and the time and manner of furnishing report under sub-section (1) of section 12;

(f) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State legislature.

STATEMENT OF OBJECTS AND REASONS

As of now, India did not have an official figure on the number of orphans in this country. The latest number is estimated around 20 million, based on a study carried out by the SOS Children's Village Faridabad based NGO by analyzing data from the National Family Health Survey-3, in 2011. This vacuum is itself a testament to the treatment orphans face.

Though orphans have an identity while staying at orphanages, once they turn 18, society renders them useless. Without government identification, birth certificates, or residential proofs, it is almost impossible for them to access higher opportunities for education or employment. Therefore, it is important for the Government to recognize orphans as socially and economically deprived groups and provide them with reservations. Additionally, given that India has the world's largest youth population it is imperative that the Government, through Job reservation, brings orphans one step close towards empowerment and the youth of our country towards a brighter future.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

JANARDAN SINGH 'SIGRIWAL'

FINANCIAL MEMORANDUM

Clause 10 of the Bill, *inter alia*, provides for formulation of welfare schemes and programmes for the orphans, rehabilitation of orphans and developing and organizing training programmes to advance the competence of the orphans for appointment to services and posts. Clause 12 provides for the maintenance of records by the appointing authority.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. However, it is not possible at this stage as to the exact amount which is likely to be incurred towards recurring and non-recurring expenditure for the purpose.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 17 of the Bill empowers the appropriate Government to make rules for carrying out the provisions of the Bill. As the matters in respect of which rules may be made under the aforesaid provisions are matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

LXVI

BILL NO. 173 OF 2022

A Bill to outline the modalities for providing employment to Indian citizens across various departments of the Central Government and undertakings and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Bharatiya Rozgaar Samhita, 2022.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government, may by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires, —

(a) "candidate" or "applicant" shall mean any citizen of India above eighteen years of age;

(b) "department" means a department of the Central Government;

(c) "notification date" means the date on which the list of vacancies shall be declared in public and applications invited for filling the said vacancies;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "selection date" means the date on which the results of the particular examination shall be declared and the list of successful candidates is made public; and

(f) "zero date" means the date on which the said Bill is passed in the House of the People.

CHAPTER II

IDENTIFICATION AND ANNOUNCEMENT OF VACANCIES

Determinations of vacancies.

3. (1) Each Ministry under the Central Government shall request the various departments under it to prepare and submit the list of existing vacancies in their respective Departments along with their details, including but not limited to, the designation, salary, location and duration for which the said post has been vacant within three days from the zero date in such manner as may be prescribed.

(2) Each department shall prepare the requested list under sub-section (1) within ten days from the day such request was made by the respective Ministry or within thirteen days of the zero date, whichever is earlier in such manner as may be prescribed.

(3) The Ministry shall be permitted to add additional vacancies to the list prepared by the various departments and approve the same for making it public within five days from the preparation of such list or eighteen days from zero date, whichever is earlier.

(4) The departments concerned shall advertise the approved list of existing vacancies under sub-section (2) and (3) within seven days of the approval of list or twenty five days from zero date whichever is earlier.

Dissemination of information on existing vacancies.

4. It shall be the responsibility of every department to make the information regarding vacancies public by,—

(i) uploading the list in the websites of the respective departments;

(ii) publishing the list in one national newspaper and two vernacular newspapers;

(iii) informing interested candidates through Email and SMS for all jobseeker citizens registered in various employment exchanges; and

(iv) uploading the list in the verified social media accounts of each department or Ministry, as applicable.

Delay in publishing list.

5. If any department fails to publish the approved list of vacancies under section 3 after forty-five days from the zero date, the Secretary of the respective department shall present the reasons for such delay in the House of the People or failing which, he may be liable for a joint-party enquiry.

CHAPTER III

SELECTION OF CANDIDATES

6. (1) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the Expert Committee for Model Examination Code to reform and standardize the existing process for conducting all recruitment related examinations in such manner as may be prescribed.

Expert
Committee for
Model
Examination
Code.

(2) The Expert Committee shall consist of :—

(i) an IAS official from the Prime Minister Office;

(ii) elected student representatives from Central and State universities and Institutes of National Importance; and

(iii) three eminent academicians and three eminent labour market economists with at least twenty years of experience in teaching academia and practise to be appointed by members defined in clause (i) and (ii) in such manner as may be prescribed.

(3) The Expert Committee shall be assisted by an Audit Committee to be constituted by the Central Government.

(4) The Audit Committee shall examine the processes followed by various recruitment boards and Government departments for examinations, identify deficiencies or loopholes and suggest reform thereto.

(5) The Audit Committee shall be headed by a retired Judge of the Supreme Court and five other members, consisting of officials from Comptroller & Auditor General (CAG) of India, the Union Ministry of Education, Finance and Labour and Employment to be appointed by the Central government in such manner as may be prescribed.

(6) The Expert Committee shall,—

(a) coordinate with the various Government Departments and Recruitment Boards;

(b) coordinate examination schedules across the country ensuring minimal overlap;

(c) review for one time (only for current financial year) revision of the Notification Date under section 7; and

(d) finalize roadmap for reducing contractual employment in Government ranks, including conversion of contractual employment in Government ranks to permanent Government employment.

7. (1) Each department shall ensure that applications from the deserving candidates are invited within a period of seven days from the date of publishing the approved list of existing vacancies, in such manner as may be prescribed.

Notification
Date and
Applications.

(2) The applications under sub-section (1) shall be invited in both online and offline modes, with prompt acknowledgement of receipt of application and one time error rectification, if any, within the stipulated period of seven days.

8. (1) After receipt of applications under section 7, the departments shall issue admit cards to all candidates and conduct preliminary examinations within five days of receipt of applications.

Preliminary
Examinations.

(2) Admit cards under sub-section (1) shall be issued via electronic means to candidates and followed by SMS intimation.

(3) The department shall ensure that the centre for the examination is within one hundred kilometer radius of the correspondence address or residence, as the case may be, of the applicant, unless requested otherwise by the applicant during application process:

Provided that if the examination centre is more than or hundred kilometers away from the applicant's correspondence address or residence, as the case may be, the respective department shall pay the applicant a lumpsum cost of rupees one thousand to cover any travel and lodging expenses via direct transfer to applicant's Bank Account within fifteen days from the issuance of admit cards, failing which a late penalty shall be levied at eight per cent. per annum.

(4) No application fees shall be charged on the applicant and the application fees or any additional fees incidental thereto for conducting preliminary examinations shall be borne by the department.

(5) The preliminary examinations shall within twenty-seven days from the Notification Date under sub-section (1) of section 7, be conducted online in examination centres equipped with provisions as contained in the Schedule.

(6) The answer key and answer sheet of the preliminary examination conducted under sub-section (5) shall be released within thirty two days from the Notification Date:

Provided that in case of any error in answer key, additional two days shall be provided for desired corrections in the answer key and case of any error in question(s), the marks for the incorrect question shall be awarded in full to all applicants.

(7) The expenditure for rechecking of answer key, in case of any discrepancy, shall be borne by the department.

(8) The results of the preliminary examinations conducted under sub-section (5) shall be declared within thirty five days from the Notification date in such manner as may be prescribed.

Mains
Examination.

9. (1) Within five days of the announcement of results for preliminary examinations under sub-section (8) of section 8, the admit card for the mains examination shall be issued by the respective department.

(2) The mains examinations, including physical or typing test or any other associated skill set test as applicable, shall be conducted within fifteen days from the issuance of admit cards for mains examinations under sub-section (1).

(3) All other provisions of including allotting centres, providing lumpsum amount to candidates for travel and lodging, conducting exams, releasing answer key and answer sheets as applicable to preliminary examinations under sub-sections (3), (4), (5), (6) and (7) of section 8 shall also be applicable for conducting mains examinations under this section.

(4) After release of answer key, the medical examinations of applicants, if required, shall be completed within ten days of relevant answer key.

(5) Final results shall be announced within seventy-five days from the Notification Date and shall be termed as "Selection Date".

(6) In case any cancellation of examinations due to any foreseen or unforeseen events, compensatory attempts shall be provided to all applicants by relaxation of age norms, if any, in eligibility criteria.

CHAPTER IV

FINAL RECRUITMENT OF SUCCESSFUL CANDIDATES

10. (1) After announcement of final results on Selection Date under sub-section (5) of section 9, the respective department shall provide the successful candidates with their Letter of Joining, indicating designation, location, joining date, salary breakup and other general terms and conditions of employment in such manner as may be prescribed.

Joining
Process

(2) The joining date shall be maximum forty-five days from the Selection Date:

Provided that in case of any delay in joining, the successful candidate shall be eligible for monetary compensation at fifty per cent. of the total gross salary of the post for which the candidate has been finally selected:

Provided further that the candidate shall also be eligible for a thirty day extension in joining date on account of any exigencies and shall inform the concerned department in writing at least five days in advance to the joining date for any extension thereof in such manner as may be prescribed.

CHAPTER V

GRIEVANCE REDRESSAL AND PENALTIES

11. (1) It shall be the duty of the Central Government to establish a Grievance Redressal Cell to address the grievances faced by the candidates during the entire process from Notification Date till Joining Date.

Grievance
Redressal.

(2) Each Recruitment Board under a department shall establish a separate Grievance Cell for any examination under their purview:

Provided that in case the Grievance Redressal Cell already exists, then the same shall be deemed as the Grievance Redressal Cell established under this Act.

(3) Each Grievance Redressal Cell shall be equipped with:-

(a) a 24x7 operational helpline number which shall be notified in public before the applications for the vacancies are invited;

(b) adequate manpower trained and capable to respond in official and scheduled languages of India to ensure that waiting time in having assistance from a representative is less than ten minutes; and

(c) adequate infrastructure such that call drop rate shall be less than five per cent.

(4) The Grievance Redressal Cell in each department shall be headed by an officer of IAS Rank not below the rank of Additional Secretary of the respective department:

Provided that in case the Grievance Redressal Cell is newly constituted and in absence of any relevant Recruitment Board, the head of the Grievance Redressal Cell shall be selected by the Principal Secretary of the Prime Minister Office.

12. The Central Government shall set up fast track courts in each district to examine cases related to recruitment examinations.

Establishment
of Fast Track
Courts.

13. (1) In addition to penalties for any malpractices defined in the Indian Penal Code, 1860, all such offences pertaining to malpractices, especially leaking of question papers, shall be considered as non-bailable offences for the purpose of this Act.

Penalties.

(2) If any person contravenes the provision of this Act, he shall be liable to a penalty of rupees five lakhs, failing which the person shall serve six months imprisonment and shall not be eligible for any Government job.

Compensation to be met out of penalties.

14. (1) Each department shall, by notification constitute a fund to which the fines collected under sub-section (2) of section 13 shall be credited.

(2) The Fund shall be utilised to pay compensation to the applicants under sections 8 and 9.

Power to remove difficulties.

15. If any difficulty arises in implementing the provisions of this Act, the Central Government shall have power to issue such orders not inconsistent with the provisions of this Act by notification in the Official Gazette as are required to remove such difficulty:

Provided that no such order shall be issued after three years from the date of commencement of this Act.

Power to make rules.

16. (1) The Central Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See section 8(5)]

Facilities in Examination Center—

The examination centres for preliminary and main examination shall be equipped with the following facilities and/or be capable to discharge any services, incidental thereto:

(a) All online based examinations centres to have adequate number of computers and be conducted by the National Testing Agency (NTA).

(b) The examination software for online examinations shall be audited by independent third-party auditors and certified by the National Testing Agency and the Expert Committee for Model Examination Code.

(c) All examination centres to have,—

(i) basic lighting and fans to ensure proper comfort for applicants;

(ii) cloak room for depositing bags, mobile phones and other electronic equipment;

(iii) biometric attendance system for both invigilators and candidates;

(iv) functional CCTV cameras to reduce chances of malpractices, including cheating; and

(v) Security to ensure no one apart from invigilator and candidates are present in the examination area.

STATEMENT OF OBJECTS AND REASONS

The idea for the Bharatiya Rozgaar Samhita stems from a multitude of socio-economic realities pertaining to India's demographic dividend, employment scenario and the role of various Government institutions in reshaping the same for better and sustainable outcomes.

The reality remains that millions are leaving the job market, despite record increase in youth population. India's Labour Force Participation Rate (LFPR) fell to 39.5 per cent. in March, 22, which is lower even than the LFPR in second wave of COVID (June 21 at 39.6 per cent.), despite easing of lockdown and no restrictions on movement. In absolute terms, our total labour force now stands at 428 million people, lowest in 8 months (since June, 21) with a shrinkage of 3.8 million people in March, 22 itself. This means that millions are leaving the labour markets and have stopped even looking for employment, possibly too disappointed with their failure to get a job and under the belief that there were no jobs available. Within the job-market, non-agricultural jobs remain the worst hit. While labour force shrank by 3.8 million people, the employment fell by 1.4 million people. Of this net impact, the non-agricultural jobs fell by 16.7 million, comprising mainly of, Industrial jobs (fell by 7.6 million), manufacturing jobs (fell by 4.1 million) signs of manufacturing revival, construction jobs (fell by 2.9 million) which have stagnated at 64 million jobs compared to 70 million jobs pre-lockdown. This reduction was cushioned by increase in the number of people under agriculture (increase of 15.3 million), possibly driven by seasonal employment due to rabi season.

Within a falling LFPR and employment scenario, the Government also has scope for improvement. During the last year, the Central Government hiring in FY 21 stood at 87423 jobs — a drop of 27 per cent. over the past year when it provided 119000 jobs. The reduced employment generation is not a one-year trend but has been continuing for the past few years. Since 2017-18, Government employment is falling continuously, with Central share falling faster than States. The Central Government provided 11000 jobs per month in 2017-18 but has steadily and consistently declined to now providing 7300 jobs per month in FY 21 (drop of 34 per cent.). State Governments provided 45200 jobs per month in 2017-18 but have reduced to providing 32400 jobs per month in FY 21 (drop of 28 per cent.). Cumulatively, these signal a loss of 16000 jobs per month since 2017-18. At these prevalent rates of giving employment, only 4 per cent. of people entering workforce every month (1 million) get Government employment.

Meanwhile, the demand for Government employment is strong and continues to rise. Our pace of provisioning employment has been slow, with an estimated 60 lakh vacancies in Government across various levels in July, 2021. Whatever vacancies are being filled up, they are being done through contractual employment with Government departments reducing permanent positions, mainly to reduce costs and compliance. This also disincentivizes the employees from speaking against all possible ills within the system. While various ministries and departments are hiring contractual staff, there is no central record of the same. Secondly, where vacancies are being filled, they are notably skewed towards contractual jobs. In 2014, 43 per cent. of Government employees (i.e. 12.3 million) had non-permanent or contractual jobs, with 6.9 million working in key flagship welfare schemes (e.g. Anganwadi workers), while having low wages (in some cases, lower than the minimum wage) and little if any social security cover (as per Indian Staffing Federation Research 2014). By 2018, the percentage of Government employees in this category had risen to 59 per cent. (as per Indian Staffing Federation). For Central Public Sector Enterprises (CPSEs), the percentage of contractual (and non-permanent) employees has increased from 19 per cent. to 37 per cent. (reaching 498807 in March, 2020), with permanent employees dropping in share

by 25 per cent. Consider select PSUs - ONGC had contractual employees (43397) from 81 per cent. of its staff in March, 2020. Some States have sought to take this further in 2020, while the pandemic led to mass unemployment, the State Government in Uttar Pradesh sought to amend recruitment for Group B and C employees (of which there were 9 lakh in 2020 in UP), with a push for increasing contractual employment (for a five year period), with such employees not offered allowances and typical benefits.

Last year, the Central Government has witnessed a rise in its tax collections, with direct tax collections rising by 49 per cent. and indirect taxes by 30 per cent., leading to gross tax collections rising to 27 lakh crore, against an estimated tax collections of 25.16 lakh crore. The Tax to GDP ratio for FY 22 at record high of 11.7 per cent., while tax buoyancy (index to measure the growth in tax revenues as compared to GDP growth) clocked at a healthy figure of 1.9. In April, 22 itself, GST collections clocked 1.67 lakh crore - an increase of 0.25 lakh crore over March number of 1.42 lakh crore (uptick of 18 per cent. in one month), with highest collections from Maharashtra (27000 cr.), Gujarat, Karnataka (11000 cr. each) and UP, Haryana (8000 cr. each). This indicates to a healthy tax collection scenario for last year and is expected to continue into the next financial years as well and should be capitalized to achieve dual objectives of providing employment to Indian youth and bolstering public services.

Hence, this Bill.

NEW DELHI;
July 4, 2022.

FEROZE VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the Central Government shall constitute an Expert Committee for Model Examination Code. Clause 10 provides for payment of monetary compensation to selected candidates in case of delay in joining. Clause 11 provides for establishment of Grievance Redressal Cell. Clause 12 provides for the establishment of Fast Track Courts. Clause 14 provides for constitution of a fund for payment of compensation to applicants.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one lakh ten thousand crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LXVII

BILL NO. 158 OF 2022

A Bill to develop a national strategy to reduce the food waste in the country and for matter connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the National Strategy for Reduction of Food Waste Act, 2022.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "food waste" means food that is fit for consumption but consciously discarded starting from pre and post harvest losses, food processing and packing losses and discarded in residential buildings, restaurants, banquets, weddings, canteens, and retail outlets;

(b) "prescribed" means prescribed by strategy made under this Act;

(c) "stakeholders" means representative of both Central Government and State Governments those who are responsible for agriculture, food processing and logistics related to food other than government representative those who are involved in agri and agri-food industries; and

(d) "strategy" means a plan of action designed to eliminate food waste and achieve zero-food waste as end goal.

Formulation of
National
Strategy to
Reduce Food
Waste.

3. (1) The Central Government shall, in consultation with the stakeholders, by notification in the Official Gazette, formulate a National Strategy to Reduce Food Waste in the country in such manner as may be prescribed.

(2) The National Strategy formulated under sub-section (1) shall consist of,—

(a) creating awareness amongst the public with a view to have behavioral change including—

(i) creating awareness and educating about food waste through print and electronic media;

(ii) creating awareness to purchase groceries in calculated terms;

(iii) reconsidering extravagant buffet spreads at weddings by persuasion technique;

(iv) conducting food exhibition and festivals by exhibiting in a way to adopt root-to-shoot philosophy in cuisine; and

(v) incorporating curriculum regarding food wastage in education.

(b) technological and innovative solutions including,—

(i) identification and strengthening the fragmented food systems and making efficient supply chain systems;

(ii) installing community fridges outside retail outlets for creating a access to the extra edible food generated from retail outlet for those in need;

(iii) making regulation for the food retailers across the country to adopt technology standards that allow incentives for the customer for the product which is nearing expiry date to reduce food wastage and maximise the grocery retailer revenue;

(iv) expediting the research in nano-technology to aid in inventing healthy food preservation technique that may make farm produce have a longer shelf life;

(v) exploring technological solution like multi-commodity cold storages and multipurpose cold storage facilities, ripening chamber and distributed refrigeration architecture;

(vi) institutionalising food bank concept; and

(vii) emulating other countries best practices including supermarkets to either give unsold food to charity or send it to farmers for use as animal feed and fertilizer.

4. (1) Central Government shall prepare a report setting out the national strategy and cause the report to be laid before the both the Houses of Parliament in the year following the day on which this Act came into force. Report.

(2) The report shall be published on the website within fifteen days after the report has been tabled in Parliament for public view.

(3) Within three years of the tabling of the report referred to under sub-section (2) and every three years after that the Central Government shall prepare a report on the effectiveness of national strategy, setting out their conclusion and recommendations regarding the strategy and the report thereof shall be laid before both the House of the Parliament within fifteen days on which each House is sitting after the report is completed.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act by the Central government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions, aforesaid, Parliament agrees in making any modification in the rule or Parliament agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

According to the Food Waste Index Report, 2021 published by United Nations Environment Programme, 50 Kg. of food is wasted per person every year or 68,760,163 tonnes a year in Indian homes. A figure estimated by Food and Agriculture Organization (FAO) says 40 per cent. of food produced in India is wasted due to fragmented food storage and supply system. This is the loss that occurs even before the food reaches consumers. The need is to address food waste which is occurring before and after reaching the consumers. The need is also to put forth points which can be worked out to develop strategy to reduce the food waste and meeting our end goal that is zero food waste in India.

The United Nations reported that about 190 Million Indians are undernourished and apart from that India is home to 25 per cent. of the world's hungry population. The excess food which is wasted ends up in landfills and this is becoming potential source of green house gas which also negatively affects environment. Adding to this, 25 per cent. of fresh water used to produce food is ultimately wasted even as millions of people still don't have access to clean drinking water.

A holistic approach is required to reduce the food waste where food wastage is not limited to one level alone but perforates through every stage; from harvesting, processing, packaging, and transporting to the end stage of consumption.

It is important that latest technology is adopted at every stage of the supply chain and has to be coupled with behavioural change to overcome this problem. As Inger Andersen (Executive Director of UNEP) says "If we want to get serious about tackling climate change, nature and biodiversity loss, and pollution and waste, businesses, governments and citizens around the world have to do their part to reduce food waste". Reducing food waste helps to decrease pressure on the earth and also aids in decreasing the carbon foot print. It helps in conserving the natural resources because when food is wasted it is not just the food but also natural and physical resources associated with it also get wasted.

Hence the consciousness around the extent and type of food waste has to be raised. The Sustainable Development goal target 12.3 aims at halving per-capita global food waste at the retail and consumer levels and reducing food losses along production and supply chains. If we need to achieve this target there should be a proper strategy and investment in tackling food waste has to be made. The Bill, therefore, aims to develop national strategy to reduce the food waste which is rampant in India.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

DHANUSH M. KUMAR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

LXVIII

BILL NO. 147 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

Short title
and
commencement.

(2) It shall come into force with immediate effect.

2. In article 312 of the Constitution:—

Amendment of
article 312.

(a) in clause (1), for the words "all-India judicial service", the words "all-India judicial service and an all-India Health Service" shall be substituted;

(b) after clause (3), the following clause shall be inserted, namely:—

"(3A) The all-India health service referred to in clause (1) shall not include any post inferior to that of the Chief Medical Officer of a district".

STATEMENT OF OBJECTS AND REASONS

By creating this all-India service under the proposed Bill it will enhance the quality of medical services within the nation and accountability of the medical practitioners at the same time but by protecting their interest at the same time. All these steps shall be taken in order to improve the quality of life for both the common citizens of India and the medical practitioners of the country while retaining the best talent and avoiding the so-called brain drain.

India had an 'Indian Medical Service' in British-ruled India, a military medical service, which was abolished when India got independence in 1947. Ever since, multiple committees and commissions have recommended the re-introduction of this service. The All-India Service Act of 1951 mentions 'The Indian Medical and Health Service' as an All-India Service, but never implemented for reasons that are unknown till date.

The 15th Finance Commission has also recommended that an All-India Medical and Health Service be established. Furthermore, the Covid pandemic has led to a renewed demand for the constitution of the Indian Medical & Health Service (IMHS). To explain this point further, note that in India, there are not just allopathic doctors but also doctors of the alternative systems of medicine, commonly known as AYUSH doctors. In fact, there is also a separate Ministry of AYUSH, and even Indian missions abroad have AYUSH facilitation centres. These systems of medicine have entirely different concepts of disease causation and cure. Further, within each of these systems of medicine, there will be graduates in medicine and post-graduates in medicine. The point here is that a common entrance exam to the Indian Medical Service will lead to the selection of a very diverse group whose existing skill sets will have to be fully utilised, and new skill sets added, if the true potential of such a service is to be realised.

The Bill, therefore, seeks to amend the constitution with a view to provide for a constitutional provision for creation of all-India health services.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 5, 2022.

SHRIKANTEKNATH SHINDE

LXIX

BILL NO. 169 OF 2022

A Bill to establish and incorporate a teaching University for the promotion and development of Marathi language and literature, through teaching and research, with a view to enabling Marathi to achieve greater functional efficiency and recognition as a major international language and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Marathi Vishwavidyalaya Act, 2022.

Short title
and com-
mencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, and the Statutes made hereunder, unless the context otherwise requires,—

Definitions.

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "Board of Studies" means the Board of Studies of the University;

(d) "Chancellor", "Vice-Chancellor" and "Pro-Vice-Chancellor" mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;

(e) "Court" means the Court of the University;

(f) "Department" means a Department of Studies and includes a Centre of Studies;

(g) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means;

(h) "employee" means any person appointed by the University, and includes teachers and other staff of the University;

(i) "Executive Council" means the Executive Council of the University;

(j) "Finance Committee" means the Finance Committee of the University;

(k) "Hall" means a unit of residence or of corporate life for the students of the University, or of an Institution maintained by the University;

(l) "Institution" means an academic institution, not being a College, maintained by the University;

(m) "recognised Institution" means an institution of higher learning recognised by the University;

(n) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;

(o) "School" means a School of Studies of the University;

(p) "Statutes" and "Ordinances" mean, respectively, the Statutes and Ordinances of the University for the time being in force;

(q) "teachers of the University" means Professors, Readers, Lecturers and such other persons as may be appointed for imparting instruction or conducting research in the University or in any Institution maintained by the University and are designated as teachers by the Ordinances;

(r) "University" means the Antarrashtriya Marathi Vishwavidyalaya established and incorporated as a University under this Act.

Establishment
of the
University.

3. (1) There shall be established a University by the name of "Antarrashtriya Marathi Vishwavidyalaya".

(2) The headquarters of the University shall be at Thane in the State of Maharashtra.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Antarrashtriya Marathi Vishwavidyalaya".

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

4. The objects of the University shall be to promote and develop Marathi language and literature in general and, for that purpose, to provide for instructional and research facilities in the relevant branches of learning; to provide for active pursuit of comparative studies and research in Marathi and other Indian languages; to create facilities for development and dissemination of relevant information in the country and abroad; to offer programmes of Research, Education and Training in areas like translation, interpretation and linguistics for improving the functional effectiveness of Marathi; to reach out to Marathi scholars and groups interested in Marathi abroad and to associate them in teaching and research and to popularize Marathi through distance education system.

Objects of the University.

5. The University shall have the following powers, namely:—

Power of the University.

(i) to provide for instructions in the relevant branches of learning and to make provision for the advancement and dissemination of knowledge for furtherance of its objects;

(ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing on, persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(iii) to organise and to undertake extra-mural studies, training and extension services;

(iv) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(v) to provide for facilities through distance education system to such persons as it may determine;

(vi) to institute Professorships, Readerships, Lecturerships and other teaching or academic positions, required by the University and to appoint persons to such Professorships, Readerships, Lecturerships or other teaching or academic positions;

(vii) to recognise, with the prior approval of the Visitor, an institution of higher learning, within or outside India for such purposes as the University may determine and to withdraw such recognition;

(viii) to appoint persons working in any other University or organisation as teacher of the University for a specified period;

(ix) to create administrative, ministerial and other posts and to make appointments thereto;

(x) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner and for such purposes as the University may determine;

(xi) to establish, with the prior approval of the Visitor, such campuses, special centres and specialised laboratories, within or outside India, as are, in the opinion of the University, necessary for the furtherance of its objects;

(xii) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xiii) to establish and maintain Institutions and Halls;

(xiv) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;

(xv) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;

(xvi) to make special arrangements in respect of the residence, discipline and teaching of women students as the University may consider desirable;

(xvii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;

(xviii) to confer autonomous status on a Department, in accordance with the Statutes;

(xix) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;

(xx) to demand and receive payment of fees and other charges;

(xxi) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;

(xxii) to lay down conditions of service of all categories of employees, including their code of conduct;

(xxiii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxiv) to make arrangements for promoting the health and general welfare of the employees;

(xxv) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(xxvi) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University; and

(xxvii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

Jurisdiction.

6. The jurisdiction of the University shall extend to the whole of India.

University open
to all classes,
castes and creeds.

7. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or to be admitted as a student therein or to be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of women, physically handicapped or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

8. The University shall, primarily, be a residential University:

Residence of students.

Provided that the requirements of residence shall be regulated in such manner as may be prescribed by the Ordinances.

9. (1) The President of India shall be the Visitor of the University.

The Visitor.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including any Institution managed by it, and to submit a report thereon; and upon receipt of that report the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories and equipment and of an Institution and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University or Institutions.

(4) The Visitor shall, in every matter referred to in sub-section (2), give notice of his intention to cause an inspection or inquiry to be made to the University and the University shall have the right to make such representations to the Visitor, as it may consider necessary.

(5) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).

(6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.

(7) The Visitor may, if the inspection or inquiry is made in respect of the University or any Institution address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate to the Executive Council, the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(8) The Executive Council shall communicate, through the Vice-Chancellor, to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(9) Where, the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions.

(10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

(11) The Visitor shall have such other powers as may be prescribed by the Statutes.

Officers of the University.

10. The following shall be the officers of the University:—

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) the Deans of Schools;
- (5) the Registrar;
- (6) the Finance Officer;
- (7) the Librarian; and
- (8) such other officers as may be declared by the Statutes to be officers of the University.

The Chancellor.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University.

(3) The Chancellor shall, if present, preside at the convocation of the University held for conferring degrees and the meetings of the Court.

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matters:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

13. The Pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Pro-Vice-Chancellor.

14. Every Dean of a School shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Deans of school.

15. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes. The Registrar.

(2) The Registrar shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

16. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Finance Officers.

17. The Librarian shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes. The Librarian.

18. The manner of appointment and powers and duties of the other officers of the University shall be prescribed by the Statutes. Other officers.

19. The following shall be the authorities of the University:— Authorities of the University.

(1) the Court;

(2) the Executive Council;

(3) the Academic Council;

(4) the Board of Studies;

(5) the Finance Committee; and

(6) such other authorities as may be declared by the Statutes to be the authorities of the University.

20. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes. The Court.

(2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—

(a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;

(b) to advise the Visitor in respect of any matter which may be referred to it for advice; and

(c) to perform such other functions as may be prescribed by the Statutes.

21. (1) The Executive Council shall be the principal executive body of the University. The Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

The Academic Council.

22. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, exercise general supervision over the academic policies of the University.

(2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

The Board of Studies.

23. The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes.

The Finance Committee.

24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Other authorities of the University.

25. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Power to make Statutes.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;

(b) the appointment and continuance in office of the members of the said authorities and bodies, filling up of vacancies of members and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University and their emoluments;

(d) the appointment of teachers, academic staff and other employees of the University, their emoluments and other conditions of service;

(e) the appointment of teachers and academic staff working in any other University or organisation for specific period for undertaking a joint project;

(f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;

(j) the conferment of autonomous status on an Institution or a Department;

(k) the establishment and abolition of Schools, Departments, Centres, Halls and Institutions;

(l) the conferment of honorary degrees;

(m) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(n) the institution of fellowships, scholarships, studentships, medals and prizes;

(o) the delegation of powers vested in the authorities or officers of the University;

(p) the maintenance of discipline among the employees and students; and

(q) all other matters which by this Act are to be or may be provided for by the Statutes.

27. (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

Power to
make
Ordinances.

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students of the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and prescribing of special courses of studies for them;

(j) the appointments and emoluments of employees other than those for whom provision has been made in the Statutes;⁵

(k) the establishment of Centres of Studies, Board of Studies, Special Centres, Specialised Laboratories and other Committees;

(l) the manner of co-operation and collaboration with other Universities, Institutions and other agencies including learned bodies or associations in India or abroad;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the management of Institutions established by the University;

(p) setting up of a machinery for redressal of grievances of employees; and

(q) all other matters which, by this Act or the Statutes, are to be or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations. **28.** The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual report. **29. (1)** The annual report of the University shall be prepared under the direction of the Executive Council which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects, and shall be submitted to the Visitor on or before such date as may be prescribed by the Statutes.

(2) A copy of the annual report, as prepared under sub-section (1) shall also be submitted to the Central Government which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

Annual Accounts. **30. (1)** The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Visitor along with the observations of the Executive Council.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Executive Council and the views of the Executive Council, if any, on such observation shall be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, who shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

Conditions of service of employees. **31. (1)** Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940 (10 of 1940).

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

<p>32. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examination of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.</p>	<p>Procedure of appeal and arbitration in disciplinary cases against students.</p>
<p>(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 31 shall, as far as may be, apply to a reference made under this sub-section.</p>	
<p>33. Every employee or student of the University or Institution shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of Institution, as the case may be, and thereupon, the Executive Council may confirm, modify or reverse the decision appealed against.</p>	<p>Right to appeal.</p>
<p>34. (1) The University shall constitute for the benefit of its employees such provident fund or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.</p>	<p>Provident and pension funds.</p>
<p>(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925 (19 of 1925), shall apply to such fund, as if it were a Government provident fund.</p>	
<p>35. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.</p>	<p>Disputes as to constitution of University authorities and bodies.</p>
<p>36. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.</p>	<p>Constitution of Committees.</p>
<p>37. All casual vacancies among the members (other than ex officio members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and any person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.</p>	<p>Filling of casual vacancies.</p>
<p>38. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.</p>	<p>Proceedings of University authorities or bodies not invalidated by vacancies.</p>
<p>39. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.</p>	<p>Protection of action taken in good faith.</p>
<p>40. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar,</p>	<p>Mode of proof of University record.</p>

shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872) or in any other law for the time being in force.

Power to
remove
difficulties.

41. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Transitional
provisions.

42. Notwithstanding anything contained in this Act and the Statutes,—

(a) the first Chancellor shall be appointed by the Visitor and the said officer shall hold office for a term of five years;

(b) the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and the said officer shall hold office for such term, not exceeding five years as may be specified by the Visitor;

(c) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(d) the first Court and the first Executive Council shall consist of not more than thirty members and eleven members respectively who shall be nominated by the Visitor and they shall hold office for a term of three years;

(e) the first Academic Council shall consist of not more than twenty-one members who shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held that office, if such vacancy had not occurred.

Every Statutes,
Ordinances and
Regulations to
be published in
the Official
Gazette.

43. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect,

as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but not retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

STATEMENT OF OBJECTS AND REASONS

Marathi is a regional language of Maharashtra. It is one of the most commonly spoken languages in India, with the fourth-largest population of native speakers. On the list of most spoken languages in the world, it ranks 19th. Marathi as a language belongs to the southern branch of the Indo-Aryan languages. It is mainly spoken by the people of Maharashtra in the western part of India and is also the official language of the State. Marathi language is said to have started quite early on its own and is the oldest of the literature in Indo-Aryan languages. In the Indian context, language plays a major role in communication and dialect and to understand the region. The tourist and people should be aware of this regional language. The development of Marathi as a language will help in the promotion of the tourism and culture of Maharashtra.

Marathi language and literature should be ingrained in people, who are very intrigued about studying the language. It will also provide them with a great source of knowledge in general and also will provide instructional and research facilities for the relevant branches of learning in the Marathi language. This will help in promoting the language and also attract students globally who want to pursue a career in Marathi language, literature, culture and art.

This will help in the promotion and development of accommodating dynamic quest for comparative studies of languages and research in Marathi with other Indian dialects. As per State Government of Maharashtra, Marathi is a mandatory language to be spoken in Government offices of Maharashtra, so the university will also help a Foreign citizen or outsider of Maharashtra to enroll in the university in order to obtain knowledge and will have a better understanding of both spoken and written dialect.

The Bill seeks to cultivate and incorporate the teaching and research of the Marathi language, the establishment of the university which is the first to the promotion and development of the Marathi Language. In order to enable Marathi to achieve greater functional efficiency and recognition as a major international language, and to provide for matters related to it, the language and literature needs to be promoted and developed through teaching and research.

The proposed legislation is anchored on the principle that the established university shall stimulate, endorse and develop Marathi Language and literature in general and, for that purpose, provide research facilities and opportunities in the relevant field, to provide active participation and pursuit of comparative studies and research in Marathi and other Indian Languages. The University will help in setting the facilities for the outsourcing and development of relevant information not only within the country but also abroad. It will help to offer programs in respective field research, education, and training in sphere-like translation, interpretation, and linguistics for improving the functional effectiveness of Marathi.

The bill seeks to reach out to Marathi scholars and groups who are in quest of teaching Marathi abroad and to associate them in teaching and research in order to disseminate and broadcast Marathi through various platforms and forums.

NEW DELHI;
July 5, 2022.

SHRIKANTEKNATH SHINDE

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Antarrashtriya Marathi Vishwavidyalaya at Thane in the State of Maharashtra. Clause 34 provides for payment of pension and provident fund for the benefit of its employees or provide such insurance schemes as it may deem fit. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees Two hundred crore per annum would be involved from Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26, 27 and 28 of the Bill empowers the University to make regulations, statues and ordinances for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

LXX

BILL NO. 162 OF 2022

A Bill to provide for compulsory teaching of urban planning in senior secondary level in all the schools throughout the country in order to prepare students from school level and thereby ensuring sustainable as well as positive development in urban regions and for making it obligatory for the Central and State Governments to provide requisite infrastructure for the purpose and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Teaching of Urban Planning in Schools Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases the Central Government;

(b) "District Committee" means Committee on Compulsory Teaching of Urban Planning established at district level under section 9;

(c) "Infrastructure" means all resources required for study and researching on urban planning and requisite environment in the school;

(d) "National Committee" means National Committee on Compulsory Teaching of Urban Planning established at national level under section 5;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "School" means any recognised school imparting education till Class 12th and includes—

(i) a school established, owned or controlled by the appropriate Government or a local authority;

(ii) an aided school receiving aid or grants to meet whole or part of its expenses from the appropriate Government or the local authority;

(iii) a school belonging to specified category; and

(iv) an unaided school not receiving any kind of aid or grants to meet its expenses from the appropriate Government or the local authority;

(g) "State Committee" means Committee on Compulsory Teaching of Urban Planning established at State level under section 8;

(h) "urban planning" means design and regulation of the uses of space that focus on the physical form, economic functions and social impacts of the urban environment and on the location of different activities within it.

Compulsory Teaching of urban planning in schools.

3. (1) From such date, as the Central Government may, by notification in the Official Gazette specify, curriculum for teaching, training and research of urban planning for class seventh to twelfth and not later than the beginning of the 2022-23 academic session in accordance with the academic standards for health, safety and physical education.

(2) The appropriate Government on the recommendations of the National Committee established under section 5 shall develop a model curriculum for teaching, training and research of urban planning for students studying in class seventh to twelfth in school.

(3) The appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be prescribed, for imparting compulsory teaching of urban planning in schools.

National policy for urban planning education and infrastructure in all schools.

4. (1) The Central Government shall, as soon as may be, but not later than one year of the commencement of the Act, formulate a National Policy for providing urban planning in all schools of the country and ensuring requisite infrastructure and other facilities required for urban planning.

(2) The national policy referred to in sub-section (1) shall provide for,—

(i) imparting teaching of urban planning to all the students as per their ability and physical condition in all the schools;

(ii) encouraging teaching of urban planning and creating awareness of the importance of urban planning among the school's students;

(iii) ensuring the availability of teacher or instructor specialised in urban planning in all the schools;

(iv) releasing adequate funds for infrastructure development for teaching of urban planning in all the schools;

(v) incorporating urban planning as compulsory subjects in all the schools;

(vi) preparing standard and qualitative syllabus for urban planning as per the age and mental capacity of the students under the guidance of experts and universalisation thereof;

(vii) providing scholarship and stipend to those students whose performance in urban planning has been outstanding;

(viii) giving weightage to marks obtained in urban planning for admission in colleges, universities, and institutions of national importance;

(ix) giving preference to the outstanding urban planning professionals in direct recruitment under the Central and State Government services; and

(x) such other provisions, as the Central Government may deem fit and necessary for carrying out the purposes of this Act.

5. (1) The Central Government shall, within three months of the coming into force of this Act, by notification in the Official Gazette, constitute, a National Committee to be known as the National Committee on Compulsory teaching of Urban Planning in schools for carrying out the purpose of this Act.

Constitution
of National
Committee on
Compulsory
Teaching of
Urban
Planning.

(2) The National Committee shall consist of,—

- | | |
|--|------------------------------------|
| (i) Union Minister of Education | — Chairperson, ex-officio; |
| (ii) Union Minister of State for Education | — Vice-Chairperson,
ex-officio; |
| (iii) Secretary, Union Ministry of Education | — Member, ex-officio; |
| (iv) Secretary, Ministry of Housing and
Urban Affairs | — Member, ex-officio; |
| (v) Secretary, Department of School Education
and Literacy — Union Ministry of Education | — Member, ex-officio; |
| (vi) one representative to be nominated by
NITI Aayog | — Member; |
| (vii) one representative nominated by the
Ministry of Housing and Urban Affairs who holds
expertise in the field of urban planning | — Member; |
| (viii) one representative to be nominated by
Town and Country Planning Organisation | — Member; |
| (ix) one representative to be nominated by
the School of Planning and Architecture, New Delhi | — Member; |
| (x) two urban planning consultants to be
nominated by NITI Aayog who hold expertise in the
field of urban planning | — Member; |

(3) The National Committee shall also consist of such number of members, having special knowledge or experience in the fields of Urban Planning as the Central Government may deem fit.

(4) The Central Government shall appoint such number of officers and staff as it considers necessary for the functioning of the National Committee.

(5) The salary and allowances payable to and other terms of conditions of services of other members under sub-section (3), officers and staff of the National Committee shall be such, as may be prescribed.

(6) The National Committee shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed by the Central Government:

Provided that the Committee shall meet at least once every three months.

Functions of the
National
Committee.

6. (1) The National Committee shall,—

(a) make recommendations to the appropriate Government on the curriculum and syllabus for Teaching of Urban Planning in schools from Class seventh and twelfth;

(b) make recommendations to the appropriate Government regarding the class or category of students or educational institutions which shall be exempted from the provisions of this Act;

(c) recommend to the appropriate Government the qualifications of teachers to be appointed in educational institutions for teaching of urban planning; and

(d) co-ordinate with the appropriate Government and the school authorities with a view to ensure effective implementation of the provisions of this Act.

(2) The recommendations given by the National Committee under sub-section (1) shall be binding on the appropriate Government.

Appropriate
Government to
implement
National policy.

7. (1) It shall be the duty of the appropriate Government to implement the National Policy formulated under section 3.

(2) The appropriate Government shall review the progress and quality of teaching of urban planning being imparted by the schools, from time to time, in such manner, as may be prescribed.

Constitution of a
State Committee
on Teaching of
Urban Planning.

8. (1) The State Government shall, within three months of the coming into force of this Act, by notification in the Official Gazette, constitute, a State Committee to be known as the State Committee on Compulsory Teaching of Urban Planning in Schools under their jurisdiction.

(2) With effect from such date as the State Government may, by notification consist of the following members in the State Committee namely:—

(i) Minister of Education of the State Government concerned—
Chairperson; ex-officio;

(ii) Minister of State for Education of the State Government concerned—
Vice-Chairperson; ex-officio;

(iii) Secretary, Ministry of Education of the State Government concerned—
Member; ex-officio;

(iv) Secretary, Ministry of Urban Planning-Member;

(v) three representatives from respective Urban Development Authorities in the State-Members;

(vi) three to five consultants from different topographical regions in the State to be nominated by the Ministry of Urban Planning.

(3) The State Committee shall also consist of such number of members, having special knowledge or experience in the fields of Urban Planning as the State Government may deem fit.

(4) The State Government shall appoint such number of officers and staff as it considers necessary for the functioning of the State Committee.

(5) The salary and allowances payable to and other terms and conditions of services of the members appointed under sub-section (3) and officers and staff of the State Committee shall be such, as may be prescribed.

(6) The State Committee shall meet at such times and places and shall observe such rules of procedure regarding transaction of business at its meetings as may be prescribed by the State Government:

Provided that the Committee shall meet at least once in every three months.

(7) The functions of the State Committee shall be such as may be prescribed.

9. (1) The State Government shall, within three months of the coming into force of this Act, by notification in the Official Gazette, constitute, in each district a Committee to be known as the District Committee on Compulsory teaching of Urban Planning in Schools under their jurisdiction.

Constitution
of a District
Committee on
Teaching of
Urban
Planning.

(2) The District Committee shall consist of,—

(i) Member of Parliament to be nominated by the Central Government—
Chairperson, *ex-officio*;

(ii) Member of Legislative Assembly to be nominated by the State Government—
Vice Chairperson, *ex-officio*;

(iii) Mayor of the District concerned—Member;

(iv) District Magistrate of the District concerned—Member;

(v) one representative from all the Municipal Corporations in the district—
Member;

(vi) one representative each from any two reputed NGO/Community Based Organisations or Voluntary Agencies to be nominated by the State Government in such manner as may be prescribed.

(3) The District Committee shall also consist of such number of members, having special knowledge or experience in the fields of Urban Planning as the State Government may deem fit.

(4) The State Government shall appoint such number of officers and staff as it considers necessary for the functioning of the District Committee.

(5) The salary and allowances payable to and other terms and conditions of services of the member appointed under sub-section (3) and officers and staff of the District Committee shall be such as may be prescribed.

(6) The District Committee shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government:

Provided that the District Committee shall meet at least once in every three months.

(7) The functions of the District Committee shall be such as may be prescribed.

Penal
Provisions.

10. Any school which violates the provisions of this Act shall be liable for punitive action by the appropriate Government, including withdrawal of recognition of the school in such manner and with such condition, as may be prescribed.

Central
Government to
provide funds.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds from time to time for carrying out the purposes of this Act.

Act not in
derogation of
other laws.

12. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject-matter of this Act.

Power to make
rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a developing country and in its hands is a huge demographical dividend in the form of youth. Children and Youth are its pillars of strength and with the right kind of training, these may take our country to greater heights. The Bill largely focuses on making urban planning an essential part of the teaching curriculum in the country. Given India's rise in population and its growing manufacturing prowess, it is only suggestive that the country's villages, towns, and cities are bound to take an expansive route. The challenge, therefore, is not only to create newer towns and cities but also to maintain them while they expand. The challenge thereby, asks just not the authorities and planning commissions but also essential public participation and awareness on behalf of the private members of the society. The challenge becomes even more difficult when we see it from the perspective of current cities. Post-independence the country has only come up with hardly one and a half cities, Chandigarh being the only whole in the equation. The need thereby is to create multiple cities simultaneously and relieve the Tier 1 and Tier 2 cities.

According to World Bank, in 2020, 34 per cent. of the population of India resides in the cities and is known as the urban population. According to the 2011 census, India's population was more than 120 crore and is expected and bound to grow further in the coming decades. Therefore, in the world of industrialization and globalization, it can be estimated that the urban population is also expected to grow. With the growing issues such as pollution, population control, overcrowding, issues pertaining to the garbage disposal and construction, and 'concretization' of cities it is important that students are involved in urban planning at the school level itself.

Another relief that urban planning would essentially bring is to the Tier 2 cities and their hinterlands, which due to lack of urban planning have been growing in ginger-like spurts, unplanned and chaotic. The newer or Tier 3 cities thus need to be controlled in a manner where they don't go through the same phase. The unplanned hinterland spurt hinders the growth of essential services like efficient transportation. Examples of the same can be the laying of Metro tracks and Expressways facing trouble due to unplanned newer structures around cities. Development projects in already existing cities come with two major challenges, one - is the inability to create spaces for further projects in the inner region of the cities, and two - are the problems in expanding the city due to the unplanned clogged hinterlands.

The Bill is thus intended to introduce the teaching of urban planning as a subject in schools and to involve children in nation-building. If children are exposed to the issues faced in urban hinterlands, they might work towards developing a sustainable way out against the same as well as will develop consciousness against the same. This would instil a sense of moral responsibility in the children to be cautious and aware of the challenges faced in urban planning in general. It also would prepare them for better civic sense and be publicly participative in the process of keeping the society updated with the civic norms. While education creates a mental, educational, and informative disparity due to the vast system of education in our country, it creates an overall common sense and responsibility governed by values and not just expertise. Thus, creating a generation striving to do better with every step.

Hence this Bill is essential in inculcating urban planning as a value and a habit and not just a provision for the architects and builders. Thus, creating a more responsible generation of future builders for the country. The composition of the committees as mentioned in the bill allows triple participation for better decisions. The triple composition is political, civil experts, and bureaucratic. This would add a balance to the decision-making of the committees to come up with an elaborate curriculum and an efficient way to implement it.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

SHRIKANTEKNATH SHINDE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for nomination of members and salary and allowances for officers of the National Committee on Compulsory Teaching of Urban Planning in Schools. Clause 8 provides for nomination of members and salary and allowances for officers of State Committee. Clause 9 provides for nomination of members and salary and allowances for officers of District Committee. Clause 11 provides that the Central Government shall provide requisite funds from time to time for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give exact estimate of expenditure, both recurring and non-recurring, which will be involved from the Consolidated Fund of India. However, it is estimated that a recurring expenditure of about rupees fifty crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

LXXI

BILL NO. 155 OF 2022

A Bill to provide for setting up of residential schools for children belonging to the Scheduled Castes and the Scheduled Tribes and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Residential Schools (for Scheduled Castes and Scheduled Tribes) Act, 2022.

Short title,
extent and
commencement.

(2) It extendds to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

Central Government to set up residential schools for the Scheduled Castes and Scheduled Tribes.

3. (1) The Central Government shall set up a residential school in every area having such high population of the Scheduled Castes or the Scheduled Tribes as it may deem appropriate.

(2) The residential school shall cater to the schooling need of children belonging to the Scheduled Castes and the Scheduled Tribes only.

(3) The residential school shall conduct classes from nursery to twelfth standard.

(4) The medium of instruction shall be English, Hindi and the language of the State in which the school is located.

(5) No fees or other expenses, whatsoever, shall be charged from any student and the education shall be imparted free of cost to the children.

Appropriate Government to provide land for setting up of residential schools.

4. The appropriate Government shall provide land free of cost for setting up of residential schools within its territorial jurisdiction and shall not charge any money for providing essential services like electricity and water.

Residential schools to be affiliated to CBSE.

5. (1) The residential schools shall be affiliated to Central Board of Secondary Education, New Delhi and shall follow the curriculum prescribed by it.

(2) The students shall also be given training in vocational courses of their choice.

Residential schools to have basic facilities.

6. The residential schools shall have all basic infrastructure facilities like playground, library, laboratories, hostels, dining facilities, etc.

Power to make rules.

7. (1) The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Persons belonging to the Scheduled Castes and the Scheduled Tribes are residing in large number in certain areas. But there are not enough educational facilities in those areas. The children belonging to the Scheduled Castes and the Scheduled Tribes, being generally poor, cannot afford good education in private schools and the number of good Government schools are limited in number.

Therefore, it is proposed that free residential schools should be set up exclusively for children belonging to Scheduled Castes and Scheduled Tribes with all facilities in those areas where the population of the Scheduled Castes or the Scheduled Tribes is significantly high.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

MANOJ RAJORIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to set up residential schools exclusively for children belonging to the Scheduled Castes and the Scheduled Tribes in areas where their concentration is high. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore.

A non-recurring expenditure of about rupees three hundred crore would also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill seeks to empower the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LXXII

BILL NO. 143 OF 2022

A Bill to provide for the establishment and incorporation of a University in Madhya Pradesh for the development of agriculture and for the furtherance of the advancement of learning and pursuit of research in agriculture and allied sciences and declare it to be an institution of national importance.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Madhya Pradesh Central Agricultural University Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of
Madhya Pradesh
Central
Agricultural
University as an
institution of
national
importance.

Definitions.

2. Whereas the objects of the institution known as the Madhya Pradesh Central Agricultural University are such as to make the institution one of national importance, it is hereby declared that the institution created under this Act known as the Madhya Pradesh Central Agricultural University is an institution of national importance.

3. In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

(c) "agriculture" means the basic and applied sciences of the soil and water management, crop production including production of all garden crops, control of plants, pests and diseases, horticulture including floriculture, animal husbandry including veterinary and dairy science, fisheries, forestry including farm forestry, home-science, agricultural engineering and technology, marketing and processing of agricultural and animal husbandry products, land use and management;

(d) "Board" means the Board of Management of the University;

(e) "Board of Studies" means the Board of Studies of the University;

(f) "Chancellor" means the Chancellor of the University;

(g) "college" means a constituent college of the University whether located at the headquarters, campus or elsewhere;

(h) "Department" means a Department of Studies of the University;

(i) "employee" means any person appointed by the University and includes teachers and other staff of the University;

(j) "extension education" means the educational activities concerned with the training of orchardists, farmers and other groups serving agriculture, horticulture, fisheries and improved practices related thereto and the various phases of scientific technology related to agriculture and agricultural production including post harvest technology and marketing;

(k) "Faculty" means Faculty of the University;

(l) "Ordinances" means the Ordinances of the University;

(m) "Regulations" means the Regulations made by any authority of the University;

(n) "Research Advisory Committee" means the Research Advisory Committee of the University;

(o) "Statutes" means the Statutes of the University;

(p) "student" means a person enrolled in the University for undergoing a course of studies for obtaining a degree, diploma or other academic distinction duly instituted;

(q) "teachers" means Professors, Associate Professors, Assistant Professors, Teaching Faculty Members and their equivalent appointed for imparting instruction or conducting research or extension education programmes or combination of these in the University, college or any institute maintained by the University and designated as teachers by the Ordinances;

(r) "University" means the Madhya Pradesh Central Agricultural University established under this Act;

(s) "Vice-Chancellor" means the Vice-Chancellor of the University;

(t) "Visitor" means the Visitor of the University.

4. (1) There shall be established a University by the name of the Madhya Pradesh Central Agricultural University. The University.

(2) The headquarters of the University shall be at Guna in the State of Madhya Pradesh and it may also establish campuses at such other places within its jurisdiction as it may deem fit.

(3) The first Chancellor and the first Vice-Chancellor and the first members of the Board, the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership are hereby constituted a body corporate by the name of the Central Agricultural University.

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

5. The objects of the University shall be—

Objects of the University.

(a) to impart education in different branches of agriculture and allied sciences as it may deem fit;

(b) to further the advancement of learning and conducting of research in agricultural and allied sciences;

(c) to undertake programmes of extension education in Madhya Pradesh;

(d) to promote partnership and linkages with national and international educational institutions; and

(e) to undertake such other activities as it may, from time to time, determine.

6. The University shall have the following powers, namely:—

Powers of the University.

(i) to make provisions for instructions in agriculture and allied sciences;

(ii) to make provisions for conduct of research in agriculture and allied branches of learning;

(iii) to make provisions for dissemination of the findings of research and technical information through extension programmes;

(iv) to grant, subject to such conditions as it may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examination, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinction for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;

(vi) to provide lectures and instructions for field workers, village leaders and other persons not enrolled as regular students of the University and to grant certificates to them as may be prescribed by the Statutes;

(vii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning in such manner and for such purpose as the University may determine;

(viii) to establish and maintain colleges relating to agriculture, horticulture, fisheries, forestry, veterinary and animal science, dairying, home-science and allied sciences, as necessary;

(ix) to establish and maintain such campuses, special centres, specialised laboratories, libraries, museums or other units for research and institution as are, in its opinion, necessary for the furtherance of its objects;

(x) to create teaching, research and extension education posts and to make appointments thereto;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xiii) to determine standards of admission to the University which may include examination, evaluation or any other method of testing;

(xiv) to provide and maintain residential accommodation for students and employees;

(xv) to supervise the residential accommodation of the students and employees of the University and to make arrangements for promoting their health and general welfare;

(xvi) to lay down conditions of service of all categories of employees, including their code of conduct;

(xvii) to regulate and enforce discipline among the students and the employees and to take such disciplinary measures in this regard as it may deem necessary;

(xviii) to fix, demand and receive such fees and other charges as may be prescribed by the Statutes;

(xix) to borrow, with the approval of the Central Government on the security of its property, money for the purpose of the University;

(xx) to receive benefactions, donations and gifts and to acquire, hold, manage and dispose of any property, movable or immovable including trust and endowment properties, for its purposes;

(xxi) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

Jurisdiction.

7. (1) The jurisdiction and responsibility of the University with respect to teaching, research and programmes of extension education at the University level, in the field of agriculture shall extend to the State of Madhya Pradesh.

(2) All colleges, research and experimental stations or other institutions to be established under the authority of the University shall come in as constituent units under the full management and control of the officers and authorities and no such units shall be recognised as affiliated units.

(3) The University may assume responsibility for the training of field extension workers and others and may develop such training centres as may be required in State of Madhya Pradesh.

University open to all classes, castes and creed.

8. The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or admission of

women, persons with disabilities or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens.

9. (1) The President of India shall be the Visitor of the University.

The Visitor.

(2) Subject to the provisions of sub-sections (3) and (4), the Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, laboratories, libraries, museums, workshops and equipments, and of any institution or college and also of the examination, instruction and other work conducted or done by the University, and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(3) The Visitor shall, in every case, give notice to the University of his intention to cause, an inspection or inquiry to be made and the University shall, on receipt of such notice, have the right to make, within thirty days from the date of receipt of the notice or such other period as the Visitor may determine, such representations to him as it may consider necessary.

(4) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (2).

(5) Where an inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative who shall have the right to appear in person and to be heard on such inspection or inquiry.

(6) The Visitor may address the Vice-Chancellor with reference to the results of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon as the Visitor may be pleased to offer and on receipt of the address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Board, the results of the inspection or inquiry and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.

(7) The Board shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken by it upon the results of such inspection or inquiry.

(8) Where the Board does not, within reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Board, issue such directions as he may think fit and the Board shall be bound to comply with such directions.

(9) Without prejudice to the foregoing provisions of this section, the Visitor may, by an order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time, he shall consider the same.

(10) The Visitor shall have such other powers as may be prescribed by the Statutes.

10. The following shall be the officers of the University, namely:—

Officers of
the
University.

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Deans;
- (4) the Directors;
- (5) the Registrar;
- (6) the Comptroller;

(7) the University Librarian; and

(8) such other officers as may be prescribed by the Statutes.

The Chancellor.

11. (1) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the Head of the University.

(3) The Chancellor shall, if present, preside at the convocations of the University held for conferring degrees.

The Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Board within three months from the date on which decision on such action is communicated to him and thereupon the Board may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.

(5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Deans and Directors.

13. Every Dean and every Director shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Registrar.

14. (1) The Registrar shall be appointed in such manner as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

The Comptroller.

15. The Comptroller shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Other officers.

16. The manner of appointment and powers and duties of the other officers of the University shall be as prescribed by the Statutes.

17. The following shall be the authorities of the University, namely:—	Authorities of the University.
(1) the Board of Management;	
(2) the Academic Council;	
(3) the Research Council;	
(4) the Extension Education Council;	
(5) the Finance Committee;	
(6) the Faculties and Board of Studies; and	
(7) such other authorities as may be prescribed by the Statutes.	
18. (1) The Board of Management shall be the principal executive body of the University.	The Board of Management.
(2) The constitution of the Board, the term of office of its members and its powers and functions shall be prescribed by the Statutes.	
19. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.	The Academic Council.
(2) The constitution of the Academic Council and the term of office of its members shall be prescribed by the Statutes.	
20. The constitution, powers and functions of the Research Council shall be prescribed by the Statutes.	The Research Council.
21. The constitution, powers and functions of the Extension Education Council shall be prescribed by the Statutes.	The Extension Education Council.
22. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.	The Finance Committee.
23. The University shall have such Faculties as may be prescribed by the Statutes.	Faculties.
24. The constitution, powers and functions of the Board of Studies shall be prescribed by the Statutes.	The Board of Studies.
25. The constitution, powers and functions of other authorities of the University referred to in clause (7) of section 17 shall be such as may be prescribed by the Statutes.	Other authorities.
26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—	Power to make Statutes.
(a) the constitution, powers and functions of the authorities of the University, as may be constituted from time to time;	
(b) the appointment and continuance in office of the members of the said authorities, the filling up of vacancies of members, and all other matters relating to those authorities for which it may be necessary or desirable to provide;	
(c) the appointment, powers and duties of the officers of the University and their emoluments;	
(d) the appointment of teachers, academic staff and other employees of the University and their emoluments;	
(e) the appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project;	

(f) the conditions of service of employees including provision for pension, insurance and provident fund, the manner of termination of service and disciplinary action;

(g) the principles governing the seniority of service of employees of the University;

(h) the procedure for arbitration in cases of dispute between employees or students and the University;

(i) the procedure for appeal to the Board by any employee or student against the action of any officer or authority of the University;

(j) the establishment and abolition of Departments, centres, colleges and institutions;

(k) the conferment of honorary degrees;

(l) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(m) the institution of fellowships, scholarships, studentships, medals and prizes;

(n) the delegation of powers vested in the authorities or officers of the University;

(o) the maintenance of discipline among the employees and students;

(p) all other matters which are to be, or may be, prescribed by the Statutes.

Power to make
Ordinances.

27. (1) Subject to the provisions of this Act and Statutes, the Ordinances may provide for all or any of the following matters, namely:-

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;

(c) the medium of instruction and examination;

(d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;

(e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees, diplomas and certificates of the University;

(f) the conditions for award of fellowships, scholarships, studentships, medals and prizes;

(g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(h) the conditions of residence of the students;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them;

(j) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;

(k) the establishment of special centres, specialised laboratories and other committees;

(l) the manner of co-operation and collaboration with other Universities and authorities including learned bodies or associations;

(m) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;

(o) the management of colleges and institutions established by the University;

(p) the setting up of a machinery for redressal of grievances of employees; and

(q) all other matters which by this Act or the Statutes may be provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended or repealed at any time by the Board in the manner prescribed by the Statutes.

28. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes. Regulations.

29. (1) The annual report of the University shall be prepared under the direction of the Board, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Board on or after such date as may be prescribed by the Statutes and the Board shall consider the report in its annual meeting. Annual Report.

(2) The Board shall submit the annual report to the Visitor along with its comments, if any.

(3) A copy of the annual report as prepared under sub-section (1) shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

30. (1) The annual accounts of the University shall be prepared under the directions of the Board and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf. Annual accounts.

(2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Board and the Visitor along with the observations of the Board.

(3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Board and observations of the Board, if any, shall be submitted to the Visitor.

(4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

(5) The audited annual accounts after having been laid before both the Houses of Parliament shall be published in the Official Gazette.

31. (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned. Conditions of service of employees.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Board, one member nominated by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by the employee under sub-section (2) shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996 (26 of 1996).

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

32. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Board and the Board may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 32 shall, as far as may be, apply to a reference made under this sub-section.

Power to make Ordinances.

33. Every employee or student of the University or of a college or institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal, within such time as may be prescribed by the Statutes, to the Board against the decision of any officer or authority of the University or any college or an institution, as the case may be, and thereupon the Board may confirm, modify or reverse the decision appealed against.

Provident and pension funds.

34. (1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925 (19 of 1925), shall apply to such fund, as if it were a Government provident fund.

Disputes as to constitution of University authorities.

35. If any question arises as to whether any person has been duly appointed as, or is entitled to be, a member of any authority of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Constitution of Committees.

36. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such persons, if any, as the authority in each case may think fit.

Filling of casual vacancies.

37. All casual vacancies among the members (other than ex officio members) of any authority of the University shall be filled, as soon as may be, by the person who appointed or co-opted the member whose place has become vacant and the person appointed or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term, for which the person whose place he fills would have been a member.

Proceedings of the University authorities not invalidated by vacancy.

38. No act or proceedings of any authority of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Protection of action taken in good faith.

39. No suit, prosecution or other legal proceedings shall lie against the Board, Vice-Chancellor, any authority or officer or other employee of the University for anything

which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

40. A copy of any receipt, application, notice, order, proceeding, resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if verified by the Registrar, shall be received as prima facie evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

Mode of proof
of University
records.

1 of 1872.

41. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulties:

Power to
remove
difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

42. Notwithstanding anything contained in this Act, and the Statutes,—

Transitional
provisions.

(a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor and shall hold office for a term of five years;

(b) the first Registrar and the first Comptroller shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;

(c) the first members of the Board shall be nominated by the Visitor and shall hold office for a term of three years;

(d) the first members of the Academic Council shall be nominated by the Visitor and shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

43. (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.

Statutes,
Ordinances
and
Regulations to
be published in
the Official
Gazette and to
be laid before
Parliament.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

(3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statutes, Ordinances or Regulations may be applicable.

STATEMENT OF OBJECTS AND REASONS

Guna is a district that is bounded by the Malwa Plateau in the north, with hills in the Chanderi region covered by Forests, the region covers an area of about 6,484.63 sq. km, and covers district is divided into 7 tehsils and 5 blocks which comprise of namely Aaron, Raghogarh, Madhusudhangarh, Bamori, Chachoda and Kumbhraj are the 7 tehsils and Guna, Aaron, Raghogarh, Chachoda, Bamori are 5 blocks. The Guna region is backward as compared to the other regions in the country, Guna being a Semi-arid region is inhabited by socio-economically heterogeneous and vulnerable people belonging to the backward classes where primary occupation is Agriculture.

Agriculture is the mainstay of the Guna economy. Guna being gifted with rich black Cotton soil is considered the granary of the region and has inherited a rich agricultural heritage from the past. The major population of Guna is involved in agriculture. The economy of the district is mainly dependent on both the agricultural and industrial sectors. Most of its lands are used for agricultural purposes. The chief agricultural products in the district are wheat, jawar, maize, rice, sugarcane olives, etc. The rich black soil of the district and the adoption of the new agricultural technologies by its farmers has helped to increase the production of various agricultural items. However, most of the agriculture has become subsistence agriculture and keeps the farmers of the region trapped in poverty.

As per the Human Development index of the region, the health index is 0.5531, the Education index is 0.5790, the income index is 0.4300, and lastly, the HDI value is 0.5164. The literacy rate of Guna is 34.6 per cent., with female literacy being only 18.0 per cent. Children enrolment in schools is 31.01 per cent.

The education opportunities in this region are very few, half of the population is depended on agriculture, and the farmers are more reliant on agriculture in order to earn a livelihood. Educational opportunities are few and the higher education percentage continues to remain low in the region. The poverty levels are high, only a few families can afford to send their children outside the region for obtaining a quality education.

In view of the above, it is proposed to establish an Agricultural University be known as the Madhya Pradesh Central Agricultural University in Guna District in the State of Madhya Pradesh, as a Agriculture being the core economy front of the district, as an institution of higher learning, for carrying out research in agriculture which is relevant to the area, and for imparting and amplifying knowledge and modern agricultural methods and skills to the children of this region who will be a great source of learning the new techniques in order to bring more income and avenues for education which will provide the doubling of farmers and better methods for agriculture.

This Bill *inter alia* provides for the following namely:—

(a) Establishment of a central agricultural university with its head-quarters at Guna in Madhya Pradesh

(b) The Objectivity of the University *inter alia* is to impart education in different branches of agriculture and allied sciences, to undertake research in agriculture and programs of extension education, to promote partnership and linkages with National and International Educational Institutions;

(c) The University shall have powers, to make provisions for instructions in agriculture and allied sciences, conduct research in agricultural and allied sciences, disseminate the findings of research and technical information through extension programs, program degrees, diplomas, or other academic distinctions, to establish and maintain colleges relating to agriculture, horticulture, animal husbandry, fisheries, etc.;

(d) Keeping the university open to all irrespective of any gender, sex, race, caste, or creed;

(e) provide for the Chancellor, the Vice-Chancellor, the Deans, the Directors, the Registrar, the Comptroller, the University Librarian, and, such other officers as may be prescribed by the Statutes;

The Bill seeks to achieve these objectives in order to promote and development of agriculture and furtherance of providing education to the children and farmers belonging to the region in order to generate income from the avenue of such education.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

KRISHNAPALSINGH YADAV

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Central Agricultural University. Clause 11 provides for the appointment of the Chancellor of the University. Clause 12 provides for the appointment of the Vice-Chancellor of the University. Clause 13 provides for the appointment of Dean and Directors. Clause 14 provides for the appointment of the Registrar of the University. Clause 15 provides for the appointment of the Comptroller of the University. Clause 16 provides for the appointment of other officers of the University. Clause 34 of the Bill provides for payment of pension and provident fund for the benefit of its employees or provide such insurance schemes as it may deem fit. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum would be involved from Consolidated Fund of India.

A non recurring expenditure of rupees fifty crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 26, 27 and 28 of the Bill empowers the University to make regulations, statues and ordinances for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

LXXIII
BILL NO. 133 OF 2022

A Bill to repeal the Places of Worship (Special Provisions) Act, 1991.

BE it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

1. This Act may be called the Places of Worship (Special Provisions) Repeal Bill, 2022. Short title.

2. The Places of Worship (Special Provisions) Act, 1991 is hereby repealed. Repeal.

STATEMENT OF OBJECTS AND REASONS

The Places of Worship (Special Provisions) Act of 1991 was enacted to prohibit conversion of any place of worship and to provide for the maintenance of the religious character at any place of worship as it existed on 15th day of August, 1947. India is and has always been a civilizational state and to, not maintain that status would truly be a disrespect to our glorious past. Numerous places of worship in the past have been destroyed and desecrated in our country in the garb of invasions, battles, and warfare. The suppressed nature of our people and deeply-rooted colonialism didn't allow us as a society to take any action against the cruelty bestowed upon us and our places of worship. Post-independence was truly the time to right the wrongs committed to these places of worship and our people in general. However, when the issues were raised, the Places of Worship Act, 1991 did not allow the people to fight for their places of worship that were destroyed and desecrated but also limited our history by limiting it to post-independence.

India is a civilizational state that cannot be limited to its civic attributes only, which the Act largely tried to do with an exception to the Ramjanmbhoomi-Babri Masjid structure. That too took two decades to provide justice on the long-awaited judgment. Whereas the Government should have created an infrastructure to fast-track such issues of conflict on the ownership of places of worship. In doing so the Parliament ignored the Hindu belief upheld by the Supreme Court in the case, Mahant Ram Saroop Dashi vs. S.P. Sahi, AIR 1959 SC 951, that "Even if the idol gets broken or is lost or stolen, another image may be consecrated and it cannot be said that the original object has ceased to exist". Thus, even though the Hindu temples were destroyed decades ago, they have not ceased to exist.

Considering recent events and the feelings of most of the citizens of the country in the cases of the Gyanvapi mosque in Varanasi and the demand to establish the Krishnanmbhoomi Temple in Mathura, it becomes necessarily important to repeal the current law to make the process of reclaiming lost lands by legal means. Off late there's also the Lakshman ka Tila—TilaWali Masjid dispute in Lucknow that has attracted great interest from pressure groups as well. There is a total number of 600 to 3000 such disputed lands and places of worship that were converted, destroyed, or desecrated by different rulers across the country as contested by various pressure and interest groups. These, however, cannot be contested due to the current law. It is of absolute importance to realize that these places of worship constitute a paramount part of the identity of various people. People of various beliefs under the right to religion have the right to worship their Gods and have access to places of worship.

It would thus be a violation of the fundamental rights of Hindus, Jains, Buddhists and Sikhs as it snubbes their voices against the acts of the past invaders. Therefore it not only violates the fundamental rights to practice and propagate religion but also the right to equality under Article 14. It is, therefore, important to right the wrongs that were done in the past practiced by the former rulers and colonial powers.

Moreover, while a lot of historians do defend the act by stating the time, space, and context argument but to justify these acts would not help solve the current problem at hand. The work of efficient Government is to carry out the will of the people and not to restrict them. Sections 2, 3 and 4 of the Act, bars any dispute regarding the nature of a place of worship after 1947. Therefore, the Act takes away the powers of the court under article 32 and 226 which it has no authority to do as opined in the case *I.R. Coelho vs. State of Tamil Nadu*,

(1999) 7 SCC 580 and *L. Chandra Kumar vs. Union of India*, (1994) 5 SCC 539. The powers under article 32 of the Supreme Court are provided by the Constitution with the intent of protecting the fundamental rights of the people. It's power is expansive enough to issue any order for the protection for the enforcement of fundamental rights. For a law to not allow access to a fair attempt at fighting a case to reclaim these structures is surely unfair. Every attempt for the same could be simply struck down due to the present law and therefore, to repeal it, becomes of utmost importance.

To repeal the Places of Worship (Special Provisions) Act of 1991 is to give the people of India a voice and a shot at rightfully reclaiming their lost lands taken away from them. Thus, the present repeal bill aims at giving the people a judicial chance to resolve existing disputes and therefore, seek communal harmony by closing the age-old chapters of destroyed places of worship and the debate following them.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

KRISHNAPAL SINGH YADAV

LXXIII

BILL NO. 136 OF 2022

A Bill to amend the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

BE it enacted by Parliament in the Seventy-third year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Street Vendors (Protection of livelihood and Regulation of Street Vending) Amendment Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

7 of 2014.

2. After section 13 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (hereafter referred to as the principal Act), after section 13, the following section shall be inserted, namely:—

Insertion of new section 13A.

"13A. Every Street Vendor, who possesses a certificate of vending either through himself or his representative, shall be entitled to move an application to the Town Vending Committee for registration of his market as a natural market or heritage market, as the case may be, in such manner as may be specified in the scheme.

Right of Street Vendor for registration of his market as a natural market or heritage market.

3. After section 26 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 26A.

"26A. (1) The Town Vending Committee shall for the purpose of section 13A, constitute a Market Determination Committee to determine the nature of the market on receipt of application from the street vendor in this behalf.

Town vending Committee to determine the nature of market.

(2) The Market Determination Committee constituted under sub-section (1) shall consist of:—

(a) Municipal Commissioner or Chief Executive Officer, as the case may be, who shall be the Chairperson; and

(b) such number of other members as may be prescribed, representing the local authority, including traffic police, health officer, association of street vendors, and street vendors from the market applied for:

Provided that the number of representation of the street vendors shall not be less than forty per cent. of vendors representing of the market being registered to be nominated by the market vendors themselves in such manner as may be prescribed.

(3) The Market Determination Committee shall within thirty days of the receipt of application by the street vendor in this behalf submit it to the Town Vending Committee with its recommendations on whether the market shall be declared as a natural market or a heritage market, as the case may be.

(4) The Chairperson and the members of the Market Determination Committee shall receive such allowances as may be prescribed by the appropriate Government."

STATEMENT OF OBJECTS AND REASONS

The Street Vendors (Protection of Livelihood and Regulation of Street Vending), Act, 2014 was enacted to ensure legal protection and recognition of street vendors and their fundamental right under article 19(1)(g) of the Constitution. It was a landmark statute and accepted and appreciated by all the stakeholders involved.

The Act provided a general guidelines to the States to form rules and schemes to implement these guidelines into a more comprehensive manner. While most of the States have started implementing the Act, the aspects of natural markets and heritage markets, which though were mentioned, were not elucidated upon in detail. It led to non-compliance of the mandate of the legislature. There have been cases around the country where natural markets or heritage markets are being relocated without proper planning.

Thus, this Amendment Bill is being proposed to enumerate upon the rights of the street vendors and the duties of the Town Vending Committees in regard to the declaration of markets as natural or heritage markets.

The Bill, therefore, seeks to amend the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 with a view to:—

(a) empower the street vendors to apply for a market to be declared as a natural or heritage market;

(b) make it a duty upon the Town Vending Committee to constitute a Market Determination Committee to investigate whether a market is a natural market or heritage market and recommend the Committee for the declaration.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

RAMESH CHAND BIND

FINANCIAL MEMORANDUM

Clause 3 of the Bill *vide* proposed section 26A provides for the establishment of Market Determination Committee to determine the appreciation of street vendor for registration of this market as natural market or heritage market, as the case may be. It also provides for appointment of Chairperson and members to the Committee and provision of allowances to them. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that an expenditure of about rupees fifty crore would be incurred per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill *vide* proposed section 26A provides for the appointment of members of the Market Determination Committee to determine the nature of market as applied by the street vendors in such manner as may be prescribed. As the rules will relate to matters only, the delegation of legislative power is, therefore, of a normal character.

LXXV

BILL NO. 170 OF 2022

A Bill to provide for equal compensation to victims of riots, communal violence and violent protests and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Victims of Riots, Communal Violence and Violent Protests (Equal Compensation) Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "communal violence" means and includes unexpected and undesirable incident creating internal disturbance within any part of the State which threatens the secular fabric, unity, integrity or internal security of the country;

(c) "compensation" means financial assistance provided by the Central Government to the victim or his dependent;

(d) "Claims Tribunal" means a Claims tribunal constituted under section 7;

(e) "damage" means loss, injury, or deterioration, caused by any act or omission by any person to another person or property thereof;

(f) "dependent" means the parents, spouse, children or siblings of a victim;

(g) "Fund" means the Victims of Riots and Communal Violence Compensation Fund constituted under section 10;

(h) "mischief" shall have the same meaning as assigned to it in section 425 of the Indian Penal Code, 1860;

45 of 1860.

(i) "prescribed" means prescribed by rules made under this Act;

(j) "person" shall have the same meaning as in section 11 of the Indian Penal Code, 1860;

45 of 1860.

(k) "private property" means a movable or an immovable property owned and controlled by any person or any religious body, society or trust or waqf, which is not public property, or firms over which their owners have exclusive and absolute legal right;

(l) "public property" means any property, whether movable or immovable and includes any machinery which is owned by, or in the possession of, or under the control of —

(i) Central Government; or

(ii) State Government; or

(iii) any local authority; or

(iv) any corporation or a company as defined under Companies Act, 2013, established by or under a State Act; or

18 of 2014.

(v) any institution, concern or undertaking which the State Government may, by notification in the Gazette, specify in this behalf:

Provided that the State Government, shall not specify any other institution concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or

indirectly by the State Government or any other State Government or partially by the State Government and partially by the Central Government or any other State Government;

(m) "riot" means an unexpected and undesirable incident by a group of people resulting in injury or death of a person or persons or damage to public property or property belonging to private individuals;

(n) "victim" means a person killed or injured during riots, communal violence or violent protests; and

(o) "violent protest" means the protest in which a group of person use violence, destruction or such other means to put a threat to life and profits of other person.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, after taking into consideration the loss or injury sustained, pay equal amount of compensation to the victims or their dependants in such manner as may be prescribed.

Equal
Compensation
to victims of
riots,
communal
violence and
violent
protests.

4. On receipt of the report of concerned police station which is based on First Information Report of the incident and other information gathered in the meanwhile, the District Magistrate or Commissioner of Police or the Head of Office shall take immediate steps to file claim petition before the Claims Tribunal for compensation, preferably within three months of the date of causing of damage to public property.

Claim
Petition for
Public
Property.

5. The District Collector or the Commissioner, as the case may be, shall review the conduct of claim cases filed for compensation on a quarterly basis and forward its report to the appropriate Government.

Review of
Cases.

6. The owner of private property may, whose property has been damaged in a riot, communal violence or violent protest, after getting a copy of such report from the concerned authority file or claim petition for compensation in such manner as may be prescribed.

Claim Petition
for Private
Property.

7. (1) The appropriate Government shall, by notification in the Gazette, constitute one or more Claims Tribunal for such area as may be specified in the notification for the purpose of adjudicating upon claims for compensation in respect of damages to any public property or private property or both and to perform the functions assigned to it under this Act.

Constitution
of Claim
Tribunal.

(2) The Claims Tribunal shall consist of such number of members as the appropriate Government may think fit to appoint and where it consists of two or more members, one of them shall be appointed as the Chairperson thereof.

(3) A person shall not be qualified for appointment as:—

(a) Chairperson to a Claims Tribunal unless he has been a retired District Judge; and

(b) Member of Claims Tribunal unless he is an officer of rank Additional Commissioner.

(4) Where two or more Claims Tribunals are constituted for any area, the appropriate Government, may by general or special order, regulate the distribution of business along with jurisdiction amongst them.

Function and
powers of the
Claims
Tribunal.

8. (1) It shall be the duty of the Claims Tribunal to determine the damages caused to a public or a private property in riots, communal violence and violent protests and to award suitable compensation related thereto.

(2) The Claims Tribunal may, if it thinks fit, appoint a Claims Commissioner to estimate the damages and investigate liability to assist it in holding the inquiry.

(3) The Claims Tribunal may, also appoint one Assessor in every district as the case may be to assist the Claims Commissioner who is technically qualified to assess such damage from the panel appointed by the appropriate Government in such manner as may be prescribed.

(4) The remuneration, to be paid the person or persons under sub-sections (2) and (3) shall in every case be determined by the appropriate Government in such manner as may be prescribed.

(5) The Claims Commissioner and the Assessor may seek instructions from the Claims Tribunal to summon the existing video or other recordings from private and public sources to find out the damage and establish relationship with the perpetrators of the damage in such manner as may be prescribed.

(6) The Claims Commissioner shall make a report to the Claims Tribunal within a period of three months or within the extended time, if any, granted by the Claims Tribunal.

(7) The Claims Tribunal shall determine the liability after hearing the parties.

(8) The Claims Tribunals may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.

(9) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and

(10) The Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

Procedure for
Claim Tribunal.

9. The appropriate Government shall, by notification in the Official Gazette, specify rules pertaining to the procedure of the Claims Tribunal.

Constitution
of Victims of
Riots and
Communal
Violence
Compensation
Fund.

10. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Victims of Riots and Communal Violence Compensation Fund for carrying out the purposes of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donations or contributions from domestic and international institutions shall also be credited to the Fund.

11. The Fund shall be administered by a Board to be known as the Victims of Riots and Communal Violence Compensation Board, consisting of:—

Members of the Board for the fund.

(i) The Prime Minister — Chairperson *ex-officio*;

(ii) The Chief Minister of every State and Lieutenant Governor or Chief Administrator of Union territories — Member, *ex-officio*;

(iii) Leader of Opposition in the House of the People — Member *ex-officio*;

(iv) Chief Justice of India — Member *ex-officio*;

(v) two retired judges of Supreme Court to be appointed by the Central Government in such manner as may be prescribed; and

(vi) Vice-Chairman, NITI AAYOG

12. (1) The appropriate Government shall constitute a task force to implement the provisions of this Act within their jurisdiction.

Constitution of task force by the appropriate Government.

(2) The task force shall consist of ten members to be appointed by the appropriate Government in such manner as may be prescribed.

(3) The salary and allowances payable to and other terms and conditions of service of members of the task force shall be such as may be prescribed.

(4) The task force shall —

(i) visit the riots, communal violence and violent protest site and collect information relating to the victims;

(ii) submit the incident related information to the Victims of Riots and Communal Violence Compensation Board;

(iii) ensure that the victims receive the compensation within time-limit prescribed under this Act; and

(iv) undertake any other work that may be assigned to it by the Victims of Riots and Communal Violence Compensation Board.

13. (1) If any difficulty arises in giving effect to the provision of this Act, the Central Government may by a notified order, make such provisions, not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Power to remove Difficulties.

Provided that no such order shall be made after the expiry of three years from the coming into force of this Act.

14. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make rules.

(2) The Central Government, in consultation with the State Governments, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India has a culturally diverse diaspora of population with citizens from different castes, creed and religious and linguistic backgrounds residing in the country. However, such differences which place India on the map for its diversity and harmonious religious congruence, often results into communal clashes and riots resulting in loss of life and property - both public and private. India holds a dismal 72nd rank in the Global Peace Index (GPI). The economic cost of violence is as much as 6% of its GDP as per the Global Peace Index Report.

The Constitution provides right to equality to every citizen as a Fundamental Right. Under articles 14 to 16, there is provision for equality and non-discrimination and for social equality under articles 17 and 18 of the Constitution. The Right to Equality provides that all the citizens of India should get equal protection under the law and should be treated equally in similar situations.

In case of riots, communal violence and violent protests which lead to loss of life and property, financial assistance must be provided as compensation to affected persons. In most of the situations, these victims have to knock the doors of court for equal compensation which is unfortunate. There is no clear policy aimed at providing equal compensation to all victims affected by riots or communal violence. Everything depends upon administrative decisions, which took long time and usually results into no compensation to the victims or his/her dependents.

The present Bill aims to constitute a fund administered by a Board for Compensation to be provided to victims of riots, communal violence and violent protests. The Bill further aims to establish Claims Tribunal for fast redressal of compensation claims of victims of such unfortunate events. The Bill is a method to provide justice and equality to victims of riots and help them regain their life and personal liberty as provided under article 21 of Constitution.

Hence, this Bill.

NEW DELHI;
July 7, 2022.

RAMESH CHAND BIND

Clause 3 of the Bill provides for payment of compensation to victims or their dependents. Clause 7 provides for Constitution of one or more Claims Tribunal. It further provides for appointment of Chairman and other Members of the Tribunal. Clause 8 of the Bill empowers the claim tribunal to appoint the Claims Commissioner and Assessors. Clause 10 provides for constitution of the victims of Riots and Communal Violence Compensation Fund. It further provides for contribution in the Fund by the Central Government and State Governments. Clause 12 provides for constitution of a task force by the appropriate Government.

The Bill, therefore, if enacted, will involve as such no expenditure from the Consolidated Fund of India. However, it is estimated that recurring expenditure of about rupees one hundred crore would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LXXVI
BILL NO. 131 OF 2022

A Bill to amend the Compensatory Afforestation Fund Act, 2016.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Compensatory Afforestation Fund (Amendment) Act, 2022.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 6 of the Compensatory Afforestation Fund Act, 2016 (hereinafter referred to as the principal Act), after clause (h) the following clauses shall be inserted, namely:—

Amendment
of section 6.

"(i) State authority shall prioritise the native plants and flora over artificial afforestation for fulfilling purposes mentioned under clauses (a), (b), (c) and (d);

(j) State authority shall exhaust all but twenty per cent of the funds before the end of each financial year;

(k) State authority shall use the funds only for the purposes mentioned under this section and any use of fund for purposes other than the purposes mentioned under this section shall lead to legal action against the State Authority."

Amendment of
section 16.

3. In section 16 of the principal Act, in sub-section (1),—

(i) after clause (iii), the following clauses shall be inserted, namely:—

"(iv) ensure that the State Authorities may not trample upon the rights conferred under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006) (Act No. 2 of 2007) and the Panchayat (Extension to the Scheduled Areas) Act, 1996 (Act No. 40 of 1996); and

(v) inspect and undertake social audits of works executed by State Authorities twice in every six months."

STATEMENT OF OBJECTS AND REASONS

India faces the combined challenges of the COVID-19 and the climate change crisis. India continues to fight the pandemic and global climate change, as demonstrated by heroic efforts by public health officers and powerful climate commitments. Given these commitments, 2022 may be a critical year for implementation in India and around the world. India is rapidly developing, the alternative modes in terms of energy sources will have profound impact on the planet. Communities are already seeing the catastrophic impacts of global climate change from unprecedented flooding to record-breaking heatwaves across India. The 2021 Intergovernmental Panel on Global Climate Change (IPCC) report finds that if we don't transform course, there will be dire climate change-induced consequences for the planet. India, a developing economy where an outsized portion of the infrastructure needed for the long term is yet to be built, is critical during this equation.

With dangerously high pollution levels and continued respiratory threats from COVID-19, the necessity to guard public health in India is urgent. For reducing pollution, India recently announced plans to scale clean air programs to a national mission, "Clean Air for All". Elevating India's clean air programs to "mission-mode" is critical, as demonstrated in the past by the National Solar Mission and other missions. The new mission combined with the National Clean Air Program (NCAP) is active in 132 Indian cities with city-level Clean Air Plans (CAPs) aimed to scale back ambient particulate (PM) concentrations. Ambitious actions to implement pollution control strategies that stop pollution under the CAPs can help deliver transformative and lasting improvements for public health in India's fight against dangerous pollution and global climate change.

Air conditioning used in India is additionally expected to rise dramatically within the next decade because the subcontinent continues to experience dangerously high temperatures. Expanding cooling strategies starting from cool roofs to improved air conditioners is significant in India. The India Cooling Action Plan (ICAP) aims to phase down super-pollutants hydrofluorocarbons (HFCs) and reduce cooling demand through the energy-efficient room and mobile air conditioners, and cold chain advancements, and reduce cooling demand through improved building energy efficiency and cool roofs. Weather may be a major health threat in India and in other parts of the planet because global climate change is fuelling more frequent, intense, and longer heatwaves. In response to the present mounting threat, cities and regions across India are taking concrete actions to create resilience and better prepare and protect communities. A combination of strategies, like the ICAP, Heat Action Plans, and cool roof programs are critical to beat the warmth and supply life-saving and sustainable cooling to over 1.3 billion people. Research shows that heat action plans can help avoid heat-related deaths and build resilience to extreme heat across India.

Moreover, the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) 2016 tramples upon the rights of the tribals of the country. Not only does it go beyond the purview of the Forest Rights Act, 2006 and the Panchayat (Extension to the Scheduled Areas) Act, 1996 but also doesn't provide enough transparency into the afforested lands. The tribals should have a say in their lands and in the type of flora that is afforested in the allotted areas. Therefore, it is necessary to amend the existing Act to accommodate the tribal society and as well as to stop the current discrimination against their rights.

Moreover, the Compensatory Afforestation Fund Management and Planning Authority funds don't help the tribals secure rehabilitation that is caused by the developmental projects that CAMPA funds cover. The Government needs to do much more than just cut down trees and evict its tribal population. It is paramount to come up with new laws to increase afforestation and work on the existing ones. The amendment seeks to strengthen CAMPA funds to be utilised well and for them to be exhausted to help the environment grow and not garner interest on the existing funds. It is also a step to introduce more and more native flora, make aware the present and future generations and help sustain the native fauna. The funds should help empower the work it is meant to be and shouldn't be used elsewhere like found in some States. If implemented, this Bill will help the country curb climate change and create safer living conditions in the longer run.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

HEENA VIJAYKUMAR GAVIT

LXXVII

BILL No. 182 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
Commencement.

Amendment of
the Seventh
Schedule.

2. In the Seventh Schedule to the Constitution,—

(i) in List II — State List, entry 5 shall be omitted; and

(ii) in List III — Concurrent List, after entry 47, the following entry shall be inserted, namely:—

"48. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, districts boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration."

Amendment of
article 243F.

3. In article 243F of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(1A) If any person is disqualified under sub-clause (a) or (b), of clause (1), that no bye-election shall be held and the person who had secured the second place at the previous election held shall be deemed to be elected as the member of a Panchayat:

Provided that nothing in this clause shall apply if the remainder of the term of a member disqualified is less than one year."

Amendment of
article 243-O.

4. In article 243-O of the Constitution, for clause (b), the following clause shall be inserted, namely:—

"(b) No election to any Panchayat or against any member of Panchayat shall be called in question except by an election petition presented before an Election Tribunal constituted for the purpose and in such manner as provided for by or under any law made by the Parliament."

Amendment of
article 243V.

5. In article 243V of the Constitution, after clause (1), the following clause shall be inserted, namely:—

"(1A) If any person is disqualified under sub-clause (a) and (b), then there shall be no requirement of bye-polls and such office shall be held by the person who was second with respect to number of votes received in the elections.

Provided that nothing in this clause shall apply if —

(a) the remainder of the term of a member in relation to a vacancy is less than one year; or

(b) the State Election Commission in consultation with the State Government certifies that it is difficult to hold the bye election within the said period."

Amendment of
article 243ZG.

6. In article 243ZG of the Constitution, for clause (b) the following clause shall be substituted, namely:—

"(b) No election to any Municipality or against any member of Municipality shall be called in question except by an election petition presented before an Election Tribunal constituted for the purpose and in such manner as provided for by or under any law made by the Parliament."

STATEMENT OF OBJECTS AND REASONS

India follows a quasi-federal system to ensure separation of power in vertical stratas of Government to ensure good governance and equal distribution of power, discretion and resources. The local Government consists broadly of the Panchayats at the Village Level and the Municipalities at the City and Town Level thus forming a 3rd tier of Governance and administration. The system was introduced to empower citizens and ensure accountability in resource and power distribution.

According to the Report of the 12th Finance Commission, India has 3723 Urban Local Bodies of which 109 are Municipal Corporation, 1432 are Municipalities and 2182 Nagar Panchayats. Furthermore, if we shift our view on the rural local bodies, there are total of 630 Zila Panchayat, 6614 Panchayat Samitis and 2,53,163 of Gram Panchayats as of January, 2019. The onus for making laws and regulations for the management and governance of local bodies and local governance is on the State Legislatures in accordance to PART IX and IX-A of the Constitution of India.

The need is to reform and streamline the procedure and redressal mechanisms of election to the aforementioned local bodies.

The Bill, therefore, seeks to amend the Constitution with a view to:—

(a) include Local Government and its constitution and administration under the Concurrent List of Seventh Schedule, thus making it the responsibility of both Union and State to make laws on the subject matter;

(b) ensure that local administration runs in a smooth manner and the office held by the representative of the people is not left vacant and does not require bye-polls thus saving exchequers expenditure on the bye-elections, ultimately saving tax-payers money; and

(c) introduce the system of Election Tribunals which was abolished by to ensure that election petitions and disputes must be settled in a speedy manner which ensures effective local governance as well as reduces the burden of the Judicial System.

Hence, this Bill.

NEW DELHI;
July 5, 2022

HEENA VIJAYKUMAR GAVIT

LXXVIII

BILL NO. 142 OF 2022

A Bill to provide for the rehabilitation of persons displaced due to climate change, realization of their rights of life, health, food, water, shelter, property and resettlement and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Rehabilitation and Relocation of Persons Displaced due to Climate Change Act, 2022.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official gazette, appoint.

2. In this Act, unless the context otherwise requires:-

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "climate change" means the long-term shifts in temperatures and weather patterns whether natural or man made;

(c) "climate-induced migration" refers to person who have been forced to migrate and leave their traditional habitat, temporarily or permanently owing to climate change that jeopardized their existence and affect the quality of their life;

(d) "compensation" means the amount the money rewarded to the displaced person for loss or damage suffered by them;

(e) "forced displacement" means the involuntary migration for displacement of person away from their habitant home caused due to the "conflicts" including persecution, trafficking, and natural disasters which may trigger floods, drought and landslides;

(f) "internally displaced person" means those person who, for reasons of sudden or progressive climate change is obliged to leave his habitual place of residence and is in need of a durable resettlement;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "rehabilitation" means the rehabilitating or restoring back the displaced person to their former State due to climate change;

(i) "relocation" means relocating displaced persons to other places within the country; and

(j) "resettlement" means an area where displaced persons are resettled by the appropriate Government.

3. (1) The Central Government shall, by notification in the official gazette, set up a National Committee to be known as the National Committee on Internally Displaced Persons to solve the issues related to internally displaced persons due to climate change.

Setting up of the National Committee on Internally Displaced Persons.

(2) The National Committee shall consist of one person only (hereinafter referred to as the Presiding Officer) to be appointed by the Central government in such manner as may be prescribed.

(3) The functions of the National Committee shall be such as may be prescribed.

(4) The Salary and allowances payable to, and other terms and conditions of services of Presiding Officer shall be such as may be prescribed.

4. (1) Every State Government shall, as soon as may be, by notification in the official gazette, set up a State Committee to be known as the State Committee or Internally Displaced Persons.

State Committee on Internally Displaced Persons.

(2) Each State Committee shall comprise of one Presiding Officer to be appointed by the State Government concerned in such manner as may be prescribed.

5. (1) Every State Government shall, in each district under its jurisdiction establish a District Committee to be known as the District Committee on Internally Displaced Persons.

District Committee on Internally Displaced Persons.

(2) Each District Committee shall:—

(a) consist of a Presiding Officer having experience of not less than ten years in the area of disaster management including rescuing, rehabilitation resettlement, and

providing funds to work in the context of internally displaced victims of climate change, to be appointed by State Government in such manner as may be prescribed.

(b) ensure that its officers and employees are trained for handling and managing the internally displaced victims of climate change.

(c) ensure available resources relating to internally displaced persons owing to climate change are so maintained and readily available for use or use of it during such events to trigger and rescue and protect them from such events;

(d) ensure that all the projects under it or within its jurisdiction conform to the standard and specifications laid down for prevention and mitigation of disasters by the National Commission, State Commission or the District Commission, as the case may be;

(e) carry out relief, rehabilitation, and reconstruction activities in the affected area; and

(f) take such other measures as may be necessary for disaster management.

Rehabilitation,
Relocation,
and
Resettlement
Schemes for
Internally
Displaced
persons due to
Climate
Change.

6. (1) The presiding officer of the National Committee, State Committee or District Committee shall ensure the rehabilitation, relocation and resettlement of the internally displaced persons.

(2) The rehabilitation of the internally displaced persons shall include:—

(a) rescuing the displaced families due to climate change from the affected areas and take them to a safer and better place;

(b) providing adequate shelter and basic resources as a relief until proper resettlement is arranged for the displaced; and

(c) setting up temporary medical services, health and sanitation awareness workshops and education camps for children.

(3) The Resettlement and relocation of internally displaced persons shall include,—

(a) resettlement of internally displaced persons in a safe and better area;

(b) allotting the habitation site and house to the displaced persons in a safe and better area with adequate facilities and infrastructure;

(c) allocating land to the displaced families;

(d) providing land and payment for construction of cattle sheds and petty shops for the displaced families;

(e) allocating one-time grant to artisans and small traders;

(f) providing mandatory employment opportunities to the members of the affected families;

(g) constructing and repairing of tubewells, rainwater-harvesting, and water tanks in each home in order to provide safe and healthy drinking water and for use for other purposes;

(h) setting up educational institutions and infrastructures for children of the victims of climate change;

(i) issuance of Identity cards to be specified as climate-induced displaced families, so they may be included in the Government allotted schemes and receive benefits from it;

(j) constructing of hospitals with free medical facilities and proper healthcare provision for women and children;

(k) payment of the rehabilitation and resettlement amount to the displaced family:

Provided that the appropriate Government may, by notification increase the rate of rehabilitation and resettlement amount payable to the affected families, taking into account the rise in the price index.

7. (1) Where the appropriate Government is satisfied that there is likely to be involuntary internal displacement of persons due to environmental disasters, then, the State Government and local authority shall, by, notification, appoint in respect of that project, an officer not below the rank of Joint Collector or Additional Collector or Deputy Collector to be the Administrator for rehabilitation and resettlement of the displaced persons under this Act.

Procedure and
Manner of
Rehabilitation
and
Resettlement.

(2) The Administrator appointed under sub-section (1) shall, with a view to enabling him or her to function and efficiently and to meet the special time frame, be provided with such powers, duties, and responsibilities as may be prescribed by the appropriate Government and provided with office infrastructure and be assisted by such officers and employees who shall be subordinate to him as the appropriate Government may decide.

(3) Subject to the superintendence, directions, and control of the appropriate Government and the Commissioner for Rehabilitation and Relocation and Resettlement appointed under section 7, the formulation, execution, and monitoring of the rehabilitation, relocation resettlement of the displaced person shall vest in the Administrator.

8. (1) The State Government shall appoint an officer of the rank of the Commissioner or Secretary for the rehabilitation and relocation resettlement of affected families under this act, to be called the Commission for Rehabilitation, Relocation and Resettlement.

Commissioner
for
Rehabilitation,
Relocation
and
Resettlement.

(2) The Commissioner shall be responsible for formulation and implementation of rehabilitation and relocation and resettlement schemes or plans under this Act.

(3) The Commissioner shall be responsible for the post-implementation social audit in consultation with the Gram Sabha in rural areas and municipality in urban areas, as the case may be.

9. (1) The Central Government may, whenever necessary, for national or inter-State projects, constitute a National Monitoring committee in order to review and monitor the implementation of rehabilitation, relocation, and resettlement for internally displaced persons due to climate change schemes or plans under this Act.

National
Monitoring
Committee
for
Rehabilitation
and
Resettlement.

(2) The National Monitoring Committee may, besides having representation of the concerned Ministries and Departments of the Central and State Governments, associate with it eminent experts from the relevant fields.

(3) The Central Government shall provide officers and other employees to the Committee necessary for its efficient functioning.

(4) The procedures to be followed by the National Monitoring Committee and the allowances payable to the experts and officers and employees shall be such as may be prescribed.

10. (1) The State Government shall constitute a State Monitoring Committee in order to review and monitor the implementation of rehabilitation and relocation and resettlement schemes or plans under this Act.

State
Monitoring
Committee.

(2) The State Monitoring Committee may, besides having representatives of the concerned Ministries and Departments of the State Government, associate with it eminent experts from the relevant fields.

(3) The procedures to be followed by the State Monitoring Committee and the allowances payable to the experts shall be such as may be prescribed by the State.

Appropriate Government to provide information to National Monitoring Committee.

11. The States and Union territories shall provide all the relevant information on the matters covered under this Act, to the National Monitoring Committee in a regular and timely manner, and also as and when required.

Collection and Maintenance of data.

12. The Central Government shall, be the authority for coordination with the department of forest and climate change, the department of rehabilitation, the department of disaster management, the department of women and child development, the department of social justice and empowerment, the department of law and justice shall collect and maintain data on displacement caused by climate change, including information from—

- (a) the International Organization for Migration;
- (b) the United Nations High Commissioner for Refugees;
- (c) United Nations International Children's Emergency Fund; and
- (d) other international organizations that are collecting such data.

Scheme and Fund for Internally Displaced Persons.

13. (1) The Central Government shall formulate a specific scheme for internally displaced persons due to climate change providing them with the benefits under the scheme.

(2) The Central Government shall constitute a Fund for Internally Displaced Persons due to Climate Change for carrying out the purpose of this act.

(3) The fund should be utilized to compensate the affected families due to the climate change.

Appropriate Government to provide funds.

14. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf provide requisite funds for the effective implementation of this Act.

(2) Each State Government shall, after due appropriation made by the State Legislature in this behalf, provide requisite funds for the effective implementation of this Act.

Power of appropriate Government to issue guidelines.

15. (1) The Central Government may issue such guidelines to the appropriate government or, as the case may be, the local authority, as it deems fit for the purposes of implementation of the provisions of this act.

(2) The appropriate Government may issue guidelines and give such directions, as it deems fit, to the local authority or the Internally Displaced Persons due to the Climate Change committee regarding the implementation of the provisions of this Act.

(3) The local authority may issue guidelines and give such directions, as it deems fit, to the Internally Displaced Persons due to the Climate Change committee regarding the implementation of the provisions of this Act.

Protection of action taken in good faith.

16. No suit or other legal proceeding shall lie against the Central Government, the State Government, the National Committee for Internally Displaced Persons due to Climate Change, the State Committee for Internally Displaced Persons due to Climate Change, the local authority or any person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act, or any rules or order made thereunder.

Power to make rules.

17. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(2) Every rule made under this act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both House agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect

only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

(4) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) training for officers who will be rescuing the people who were displaced due to the climate change;

(b) The national committee for internally displaced persons due to climate change, the state committee for internally displaced persons due to climate change, and local authorities should be obliged to carry out all functions as prescribed in the act;

(c) The form and manner of issuing identity cards to Internally Displaced Persons due to Climate Change by the Committee concerned.

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Power to
remove
difficulties.

Provided that no order shall be made under this section after the expiry of three years from the commencement of rehabilitation and relocation of a person displaced due to the climate change act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Nearly five million people in India were internally displaced due to climate change and disasters in 2021, the United Nations has said in a report. Climate change is one of the greatest challenges facing the world today and the individuals and communities displaced from their homes and lands as a result of climate change are the human face of this challenge. In India, every year there are always changing weather patterns and events that result in the catastrophe by causing environmental disruption which leads to people being displaced in their own States or country due to climate change, losing their traditional habitat, and fleeing from their homes due to changing weather patterns and events which disrupts their livelihood by destroying their land, homes, and cattles, etc. caused by the extreme weather events such as extreme rainfall which eventually leads to the problem water-logging triggering into floods, especially in coastal areas, cloud-burst in also hilly areas and hilly areas facing with landslides, drought, extreme food issues and etc.

However, the absence of a uniform policy for internally displaced people also lends itself to the broader ignorance of the movement induced by climate change. This is muddled even further when people migrate to new lands and cross borders, often to nations that are devoid of frameworks for the rehabilitation and protection of climate-displaced people.

Presently, the enormity of internal displacements suggests that climate-driven movement will only worsen as the world grapples with an escalating climate emergency.

We are a democratic country and every citizen is entitled to equal rights. Thus, this bill seeks to address the issues related to climate-induced migration that is triggered due to the extreme weather conditions which eventually forces a family to leave their traditional habitat to be in a safe and better place to be protected from such environmental disaster.

The bill seeks to lay down the rehabilitation, relocation, and resettlement of internally displaced victims of climate change in order to provide them with assistance, protection and better facilities.

The bill is a framework to provide the rehabilitation, relocation and resettling the people affected due to the climate change, provide them with housing infrastructure, food, water and basic amenities, providing them with employment opportunities to gain back their lost livelihood.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

HEENA VIJAYKUMAR GAVIT

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a National Committee on Internally Displaced Persons. It also provides for appointment of a Presiding Officer for the Committee. Clause 8 provides for the Constitution of a National Monitoring Committee by the Central Government. Clause 11 provides for the collection and maintenance of data on displacement caused by climate change. Clause 12 provides for the constitution of a fund for Internally Displaced Persons due to climate change. Clause 13 provides for the appropriate government to provide funds.

The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. However, at this stage, it is not possible to quantify the amount but it is estimated that an amount of fifty crore rupees may involve as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 and 17 of the Bill empowers the Central Government make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of normal character.

LXXIX

BILL NO. 137 OF 2022

A Bill further to amend the Environment (Protection) Act, 1986.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Environment (Protection) Amendment Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

29 of 1986.

2. In section 2 of the Environment (Protection) Act, 1986 for clause (c) , the following clause shall be substituted, namely:-

Amendment
of section 2.

"(c) "environmental pollution" means the presence in the environment of any environ- mental pollutant and shall include ozone layer depletion, acid rain, greenhouse effect and marine pollution;"

STATEMENT OF OBJECTS AND REASONS

At present, the biggest problem being faced by the world is pollution and day by day this problem is taking a formidable form. Disasters in the form of increasing pollution and global warming in every region of the world are a great threat to human existence on the earth. There is a need to lay emphasis on environmental protection to avoid such disasters. With the rapid increase in population, industrialization and urbanization in the world, the problem of environmental pollution is also getting horrible. Today not only India, but the whole world is facing the ill-effects of pollution.

Due to rapid development, six cities of India have been included in the list of ten most polluted cities in the world. India ranks fifth in the list of most polluted countries in the world, while the most polluted country in the world is Bangladesh also situated in the Asian continent. Due to the pollution, about 70 lakh people are dying every year all over the world. Its side-effects are also being seen on the economy. Climate change is also the reason for the rapidly increasing pollution. Apart from this, global warming and the use of coal as a fuel are also cited as the major causes of pollution. In the present time, increasing diverse types of pollution have made this problem more complex and gigantic.

If effective and stringent steps are not taken in this direction at the right time, in future this problem will deteriorate further, which will be an indicator of the end of human life on earth. There is a need to take decisive action against the elements that harm the environment so that all the people living in the country and in the world may seriously start considering the issue of environmental protection. At present, the biggest enemy of environment is pollution and it is the responsibility of all of us to save and preserve the environment by removing pollution and for this public participation in every form is of utmost importance.

The Bill, therefore, seeks to amend the Environment (Protection) Act, 1986 with a view to include ozone layer depletion, acid rain, greenhouse effect and marine pollution in the definition of environment pollution.

NEW DELHI;
July 5, 2022.

NIHAL CHAND CHAUHAN

LXXX

BILL No. 135 OF 2022

A Bill further to amend the Electricity Act, 2003.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Electricity (Amendment) Act, 2022.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Insection of
new section
126.

2. After section 126 of the Electricity Act, 2003, the following section shall be inserted,
namely:—

Rights of
consumer to
file
complaints
before
Consumer
Forums in
cases relating
to Vigilance
Checking
Report and
audit report
by the
assessing
Officer.

"126A. Notwithstanding anything contained in any judgment, decree or order of any Court or any law for the time being in force, any consumer supplied with electricity for his domestic or agricultural use, as the case may be, who is aggrieved by the assessment made by the assessing officer in cases relating to Vigilance Checking Report (VCR) or audit under section 126, may file a complaint before the concerned consumer forums under the provisions of the Consumer Protection Act, 2019 in such manner as may be prescribed."

STATEMENT OF OBJECTS AND REASONS

Section 126 of the Electricity Act, 2003 empowers the officials of the Power Companies to inspect the premises of the consumer and make provisional assessment of electricity charges against the consumer if unauthorized use of electricity is noticed. After determining the amount against the consumer by the officer or engineer of the power companies, the final assessment order of electricity charge is made after giving notice to the consumer regarding depositing the amount.

Against the said final assessment order passed under section 126, there are provisions to appeal before the appellate authority under section 127 and the order passed by the appellate authority is final and no appeal lie against it.

In practice, many complaints are being received about the misuse of the above authority given to the officers of the power companies. In order to increase the revenue income of the Power Companies, officers, employees and engineers wrongly and illegitimately inspect and pass assessment orders arbitrarily and they misuse their powers to increase the income of the companies and to harass the consumers. There is also complaint from the consumers that the engineers and employees of the companies demand illegitimate amount from them. On not paying the said amount, they also make false inquiry report and fix the outstanding amount in lakhs of rupees and pressurize lodging the police case or to disconnect the power connection.

Under section 126, where the power to inspect and determine the amount has been given to the junior officers, junior engineers and assistant engineers, etc. of the power companies, the appeal against their order lies with the appellate authority under section 127 which are also heard by the senior officers of the same power companies. Both the officers are employees of the same power companies and they get their salary from the power companies and of course their intention and motive is inclined more towards the interests and benefits of the power companies than the consumers. It is natural for the said appellate authority to protect and justify the proceedings of the officers subordinate to it. In such a situation, the consumer aggrieved by the subordinate officers cannot get justice from the higher appellate authorities. Justice, therefore, cannot be expected from such higher officials.

Provisions of section 126 and 127 of the Electricity Act, 2003 are also completely contrary to the principles of natural justice. Adjudication of the proceedings of the subordinate officers of the electricity company by other officers of the same company is completely contrary to the well established legal principle that no person can be the judge of his own case.

It is necessary, according to law, to test the validity and correctness of the powers of the administrative officers under judicial proceedings, but according to the above provisions of the Electricity Act, 2003 the doors of the courts have been closed in relation to the scrutiny or examination of the said powers conferred on the administrative officers which is very unfortunate situation for the democratic system.

Under section 145 of the Electricity Act, the jurisdiction of the Civil Court has been barred in relation to the action taken by the Assessing Officer under section 126 and the Appellate Authority under section 127.

Although Consumer Protection Act, 2003 is applicable in respect of other disputes between consumers and Power Companies under the Electricity Act, however according to the judgment of Hon'ble Supreme Court in UP Power Corporation Vs. Anis Ahmed dated 01.07.2013, consumer's right to take action under the Consumer Protection Act against assessment orders under section 126 and 127 has been exhausted. In such a situation, the

aggrieved, helpless consumer has no way to get justice from the power companies, which tantamount to violation of the fundamental rights provided under the constitution.

Therefore, this is necessary to bring amendment in Electricity Act, 2003 so that any consumer who is dissatisfied with the proceedings under section 126 can approach the Consumer Disputes Redressal Commission under the Consumer Protection Act, 2019.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

HANUMAN BENIWAL

LXXXI

BILL NO. 47 OF 2021

A Bill to provide for payment of unemployment allowance to graduates living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Unemployment Allowance for Graduates Living Below Poverty Line Act, 2021.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "graduate" means any citizen who holds a bachelor's degree or equivalent qualification from any university or institution and includes citizens who hold qualifications higher than that of a Bachelor's degree or its equivalent; and

(b) "prescribed" means prescribed by the rules made under this Act.

Unemployment allowance to graduates living below poverty line.

3. (1) Every unemployed graduate who falls in the below poverty line category as may be determined by the Central Government shall be entitled to receive a monthly unemployment allowance at such rate, as may be prescribed, till the time he is gainfully employed.

(2) The Central Government shall, while fixing the rate of unemployment allowance, take into account the age, educational qualification, technical skills, physical disabilities and such other factors, as it may deem necessary:

Provided that different rates of unemployment allowance may be prescribed for graduates on the basis of subjects in which they hold degrees and the State or part of the State of their residence.

Central Government to provide funds.

4. The Central Government shall, after due appropriation made by the Parliament by law in this behalf, provide adequate funds to the State Governments for the purpose of payment of unemployment allowance to unemployed graduates in the States.

Act to have overriding effect.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

Act not to be in derogation of any other laws in force.

6. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The problem of unemployment amongst graduates in the country is alarming. In this regard various studies have shown that nearly forty-seven per cent. graduates in the country are unemployed either due to lack of adequate skills or unavailability of job.

It has been witnessed that technical graduates are not able to find suitable decent jobs due to saturation in their chosen field. They choose to shift to other field where there is no application of their skill and talents. The unhealthy trend of shifting of sectors amongst youth living below poverty line for want of job and gaining quick money is the major concern, which needs to be properly addressed. The country is missing out the potential of using the minds and skills of youth for the service of the nation. The present Bill provides for unemployment allowance to graduates living below poverty line till they get to employed in their desired field instead of joining different sectors and fields for quick money. Such a measure will help in realizing the idea of 'Make in India' and skill development amongst youth in real sense.

Hence, this Bill.

NEW DELHI;
February 12, 2021.

SUBRAT PATHAK

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that every unemployed graduate living below poverty line shall be entitled to receive monthly unemployment allowance at such rate as the Central Government may fix after taking into consideration certain factors. Clause 4 provides that the Central Government shall provide adequate funds to the State Government for payment of unemployment allowance to the unemployed graduates in the States. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees five hundred crore will be involved as recurring expenditure per annum.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

LXXXII

BILL NO. 49 OF 2021

A Bill to provide for the constitution of a Board for the development of export of aroma and for the control of aroma industry including the control of cultivation of aromatic plants and for matters connected therewith.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Aroma Board Act, 2021.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement

Declaration as to expediency of Control by the Union.

2. It is hereby declared that it is expedient in the public interest that the Union should take under its control the aroma industry.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "aroma" means a mixture of essential oil, fragrance and flavor derived from herbs, aromatic plants and chemicals to produce a distinctive, pervasive and usually a pleasant or savory smell;

(b) "aromatic plants" include plants that provide basic raw materials for medicines, perfumes, flavors and cosmetics, which the Board may, by notification in the Official Gazette, declare to be a aromatic plant for the purposes of this Act;

(c) "Board" means the Aroma Board constituted under sub-section (1) of section 3;

(d) "certificate" means a certificate granted under section 8;

(e) "dealer" means a dealer in aroma;

(f) "export" and "import" mean, respectively, taking out of or bringing into India by land, sea and air;

(g) "manufacturer" means a manufacturer of aroma; and

(h) "prescribed" means prescribed by rules made under this Act.

CHAPTER II

THE AROMA BOARD

Constitution and incorporation of the Board.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute, for the purposes of this Act, a Board, to be called as the Aroma Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act, and shall, by the said name, sue and be sued.

(3) The headquarters of the Board shall be at Kannauj in the State of Uttar Pradesh.

(4) The Board shall consist of such number of members, not exceeding thirty-two, as may be prescribed, and unless the rules made in this behalf otherwise provide, the Board shall consist of the following members, namely:—

(a) a Chairperson;

(b) three Members of Parliament, of whom two shall be elected by the House of the People and one by the Council of States;

(c) three members to represent respectively the Ministries of the Central Government dealing with—

(i) Commerce;

(ii) Agriculture; and

(iii) Finance;

(d) six members to represent farmers cultivating aromatic plants;

(e) eleven members to represent the exporters of aroma;

(f) three members to represent major aroma producing States;

(g) five members, of which three members or scientists to represent the Scientific Research Institutes from aroma producing States and two members or scientists from Indian Council of Agricultural Research (ICAR), to be appointed by the Central Government in such manner as may be prescribed.

(5) The office of member of the Board shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

(6) The salary and allowances payable to and other terms and conditions of service of members shall be such as may be prescribed.

(7) The Chairperson shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

(8) The Board shall elect from among its members a Vice-Chairperson who shall exercise such of the powers and perform such of the functions of the Chairperson as may be prescribed or as may be delegated to him by the Chairperson.

(9) No act or proceeding of the Board shall be invalidated merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board;

(b) any defect in the appointment of a person acting as a member of the Board;

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

5. (1) The Board may appoint the Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.

Secretary and other officers.

(2) The salary and allowances payable to and other terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be determined by regulations.

6. (1) Subject to rules made in this behalf, the Board may, from time to time, constitute such committees as may be necessary for the efficient discharge of its functions.

Advisory Committees.

(2) Every committee constituted under sub-section (1) shall consist of such number of persons as the Board may deem fit.

7. (1) The Board may—

Functions of the Board.

(i) develop, promote and regulate export of aroma;

(ii) grant certificate for export of aroma and register brokers therefor;

(iii) undertake programmes and projects for promotion of export of aroma;

(iv) assist and encourage studies and research for improvement of processing, quality, techniques of grading and packaging of aroma;

(v) strive towards stabilization of prices of aroma for export;

(vi) evolve suitable quality standards and introduce certification of quality through "Quality Marking" for aroma for export;

(vii) control quality of aroma for export;

(viii) give licences, subject to such terms and conditions as may be prescribed, to the manufacturers of aroma for export;

(ix) market aroma, if it considers necessary, in the interest of promotion of export;

(x) provide warehousing facilities abroad for aroma;

- (xi) collect statistics with regard to aroma for compilation and publication;
 - (xii) import, with the previous approval of the Central Government, aroma for sale; and
 - (xiii) advise the Central Government on matters relating to import and export of aroma.
- (2) Without prejudice of provisions of sub-section (1), the Board may also—
- (i) promote co-operative efforts among farmers cultivating aromatic plants;
 - (ii) provide loans to farmers for sowing, as well as ensuring a Minimum Support Price (MSP) for farmers cultivating aromatic plants and also facilitating insurance for the aroma and aromatic plants and ensuring timely storage of aroma and aromatic plants in godowns and warehouses;
 - (iii) provide financial assistance for improved methods of research to create better yielding varieties of aromatic plants;
 - (iv) regulate the sale of aroma and stabilization of prices of aroma;
 - (v) provide training in aroma testing and fixing grade standards of aroma;
 - (vi) increase the sale of aroma and facilitating advertising and marketing strategies;
 - (vii) register and licence brokers (including auctioneers) of aroma and persons engaged in the business of aroma;
 - (viii) improve the marketing of aroma;
 - (ix) collect statistics from growers, dealers and such other persons as may be prescribed on any matter relating to the aroma industry and publish statistics so collected or portions thereof or extracts therefrom;
 - (x) secure better working conditions and the provision and improvement of amenities and incentives for workers engaged in growing aromatic plants or working in processing units; and
 - (xi) undertake, assist or encourage scientific, technological and economic research.

CHAPTER III

CERTIFICATE FOR EXPORT OF AROMA

No person to export aroma without certificate.

8. Save as otherwise provided in this Act, no person shall, after the commencement of this Act, commence or carry on the business of export of aroma, except under and in accordance with a certificate:

Provided that a person carrying on the business of export of aroma immediately before the commencement of this Act, may continue to do so for a period of three months from such commencement; and if he has made an application for such certificate within the said period of three months till the disposal of such application.

Grant of certificate.

9. (1) An application for grant of certificate shall be made to the Board in such form and shall contain such particulars as may be prescribed and shall be accompanied by a receipt evidencing the payment of the prescribed fee.

(2) On receipt of such application, the Board shall—

(a) if the application is not in the prescribed form or does not contain any of the prescribed particulars, return the application to the applicant; or

(b) if the application is in the prescribed form and contains the prescribed particulars, grant the certificate subject to such terms and conditions as may be determined by regulations.

10. (1) The Board may cancel any certificate on any one or more of the following grounds, namely:—

Cancellation or suspension of certificate.

(a) that the holder of the certificate has violated any of the terms and conditions of the certificate; and

(b) that in the opinion of the Central Government it is necessary in the interests of general public to cancel the certificate.

(2) Where the Board, for reasons to be recorded in writing, is satisfied that pending consideration of the question of cancelling the certificate on any ground mentioned in sub-section (1), it is necessary so to do, the Board may, by order in writing, suspend the operation of the certificate for such period not exceeding forty-five days as may be specified in the order and require the holder of the certificate to show cause, within fifteen days from the date of receipt of such order, as to why the suspension of the certificate should not be extended till the determination of the question as to whether the registration should be cancelled.

(3) No order of cancellation of registration under this section shall be made unless the person concerned has been given a reasonable opportunity of being heard in respect of the grounds for such cancellation.

11. (1) Any person aggrieved by an order made under section 9 may prefer an appeal to the Central Government within such period as may be prescribed.

Appeal.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefore if the appellant satisfies the Central Government that he had sufficient cause for not preferring the appeal within the prescribed period.

(3) Every appeal made under this section shall be made in such form and shall be accompanied by a copy of order appealed against and by such fees as may be prescribed.

(4) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the appellant shall be given a reasonable opportunity of being heard.

(5) The Central Government may confirm, modify or reverse the order appealed against.

12. The Central Government may, if satisfied that it is necessary or expedient, so to do, in public interest, by notification in the Official Gazette and subject to such conditions, if any, as may be specified therein, permit anybody or other agency to commence or carry on the business of export of aroma without a certificate.

Power to permit export without certificate.

CHAPTER IV

CONTROL BY THE CENTRAL GOVERNMENT

13. (1) The Central Government may, by order notified in the Official Gazette, fix in respect of aroma or aromatic plants of any description specified therein—

Power to control price and distribution of aroma.

(a) the maximum price or the minimum price, or the maximum and minimum prices, which may be charged by a farmer cultivating aromatic plants or aroma dealer, wholesale or retail, whether for the Indian market or for export; and

(b) the maximum quantity which may in one transaction be sold to any person.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), any order made thereunder may provide—

(a) for requiring persons engaged in the production, supply or distribution of, or trade and commerce in, aroma to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto as may be specified in the order; and

(b) for such other matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, and the seizure by a person authorised to make such search, of aroma in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be, committed.

Power to prohibit or control import of aroma.

14. The Central Government may, by order published in the Official Gazette, make provision for prohibiting, restricting or otherwise controlling the import of aroma, either generally or in specified classes of cases.

Power of the Central Government to issue directions.

15. (1) Without prejudice to the foregoing provisions of this Act, the Board shall, in the discharge of its functions and duties under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Board shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

Power to the Central Government to supersede the Board.

16. (1) If at any time the Central Government is of opinion—

(a) that on account of grave emergency, the Board is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) that the Board has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Board or the administration of the Board has deteriorated; or

(c) that circumstances exist which render it necessary in the public interest so to do, the Central Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six months, as may be specified in the notification.

(2) Upon the publication of a notification under sub-section (1) superseding the Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Board, shall until the Board is reconstituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct; and

(c) all property owned or controlled by the Board shall, until the Board is reconstituted under sub-section (3), vest in the Central Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the Central Government may reconstitute the Board by a fresh appointment and in such case any person or persons who vacated their offices under clause (a) of sub-section (2), shall not be deemed disqualified for appointment:

Provided that the Central Government may, at any time, before the expiration of the period of supersession, take action under this sub-section.

(4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

17. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Board grants and loans of such sums of money as it may consider necessary.

Grants and loans by the Central Government.

18. (1) There shall be constituted a fund to be called the Aroma Board Fund and there shall be credited thereto—

Board Fund.

(a) any grants and loans made to the Board by the Central Government under section 16;

(b) all fees levied and collected in respect of certificates granted under this Act; and

(c) all sums received by the Board from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) salary, allowances and other remuneration of the members, officers and other employees of the Board;

(b) expenses of the Board in the discharge of its functions under section 6; and

(c) expenses on objects and for purposes authorized by this Act.

19. The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Central Government.

Budget.

20. The Board shall prepare, in such form and at such time each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the Central Government.

Annual report.

21. The accounts of the Board shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed and the Board shall furnish to the Central Government before such date, as may be prescribed, its audited copy of accounts together with the auditors' report thereon.

Accounts and audit

22. The Central Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of Parliament.

Annual report and auditors' report to be laid before Parliament.

CHAPTER VI

MISCELLANEOUS

Penalty for making false returns.

23. Any person who being required by or under this Act to furnish any return fails to furnish such return or furnishes a return containing any particular which is false and which he knows to be false or does not believe to be true shall be punishable with fine which may extend to five hundred rupees.

Penalties for obstructing an officer or member of the Board in the discharge of his duties and for failure to produce books and records.

24. Any person who—

(a) obstructs any member authorised by the Chairperson in writing or any officer or other employee of the Board authorised by it in this behalf or any person authorised in this behalf by the Central Government or by the Board, in the exercise of any power conferred, or in the discharge of any duty imposed, on him by or under this Act; or

(b) having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of order relating to control of price, etc.

25. (1) If any person contravenes any order made under section 12, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and the property in respect of which the order has been contravened or such part thereof as the Court may deem fit, shall be forfeited to the Central Government.

(2) Any person who attempts to contravene, or abets the contravention of, any order under section 12 shall be deemed to have contravened that order.

Penalties for contravention of section 7 or any order made under section 13.

26. If any person contravenes the provisions of section 7 or any order made under section 13 he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Customs Act, 1962, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Other penalties.

27. Whoever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder other than the provisions, punishment for the contravention whereof has been provided for in sections 22, 23, 24 and 25, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to fifty rupees for every day during which such contravention continues after conviction for the first such contravention.

Offences by companies.

28. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such

director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

29. The Board may, by general or special order in writing, delegate to the Chair-person or any other member or to any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act.

Delegation.

30. All members, officers and other employees of the Board shall be deemed, when Acting or purporting to Act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

Members, officers and employees of the Boards to be public servants.

31. No prosecution or other legal proceeding shall lie against the Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorised by the Government or the Board, for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

Protection of Action taken in good faith.

32. Subject to any rule made in this behalf, any person, generally or specially authorised by the Board in this behalf, may, whenever it is necessary so to do, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other Act or thing as may be prescribed:

Power to enter.

Provided that no such person shall enter any building or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

33. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the number of members of the Board under sub-section (3) of section 3;

(b) the salary and allowances payable and other conditions of service of the members of the Board under sub-section (5) of section 3;

(c) the powers and duties of the Chairperson under sub-section (6) of section 3;

(d) the powers and functions of the Vice-Chairperson under sub-section (7) of section 3;

(e) the constitution of committees under section 5;

(f) the terms and conditions for giving licences to manufacturers of aroma for export under clause (viii) of sub-section (1) of section 6;

(g) the form of the application and the fees under sub-section (1) of section 8;

(h) the period of limitation for appeal under sub-section (1) of section 10;

(i) the form of appeal and the fees payable under sub-section (3) of section 10;

(j) the procedure for disposal of appeal under sub-section (4) of section 10;

(k) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rules.

Power to
make
regulations.

34. (1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the salary and allowances payable to, terms and conditions of service of the Secretary and other officers and employees of the Board under sub-section (2) of section 4; and

(b) the terms and conditions under which the certificate may be granted under sub-section (2) of section 8.

Rules and
regulations to be
laid before
Parliament.

35. Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficulties.

36. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

India has always been a land of olfactory indulgence, where aromatherapy, incense and ittar have existed since ancient times, where essential oil perfume were a part of the ancient royal lore. The earliest scents used were the healing scents introduced through Ayurveda, which recommended the use of aromatic herbs and fragrant plants for mental well-being, beauty, treatment of ailments, hygiene and age-control which are well known even today.

This traditional aroma industry in India has seen vast changes in the recent years with the introduction of technology and wider usage. The Indian aroma industry is one of the largest in terms of production, consumption and at present, the aroma market is set to grow and offer innumerable opportunities for new entrants to grow in this market. India being the leading country in the world with rich diversity in flora and fauna with its fifteen Geo- climatic zone. India can produce raw materials meant for aroma industry which have great demand in the world. Considering its close linkages with grass-root economics, it can reboot Indian economy from groundlevel.

Global aroma industry is worth \$24.10 billion and India contributes approximately \$500 million. However, growth rate in India is approximately 11% in the last few years but is projected to grow exponentially in the upcoming years due to rising personal care, brand awareness, increasing disposable income, growing demand in middle class people and affordable price of fragrance in the form of mass perfumes and deodorants.

Looking into the success of Fragrance and Flavour Development Centre, Kannauj and its self-sustainability for last six years and increasing demand for its need across the country and potential, there exists need for opening such kind of centres in all States. Different geographical locations need different approach for different products and technology to work with. Worldwide, approximately three hundred important natural aroma raw materials are in use. Out of these, only fifty per cent. are cultivated and rest are found in wild habitation. Out of the cultivated raw materials, there are thirty one for which India is well known globally and there are nearly twenty one which are grown but not to a level for global significance.

To utilise the inherent natural advantages that our country possesses in the production of aroma, it is imperative that a nodal agency on the lines of Coir Board, Rubber Board, etc. be created. The need is to channelize efforts by bringing latest technology inputs, enhanced value addition and gain significant advantages in ensuring greater market access in developed nations and brings in significant export earnings of aroma which can be beneficial for the country in general and the farming community in particular.

It is necessary in the public interest that the Union Government should take aroma industry under its control for its regulation and overall development.

The Bill, therefore, seeks to provide for constitution of a Aroma Board for the development of export of aroma and for the control of aroma industry including the control of cultivation of aromatic plants.

Hence, this Bill.

NEW DELHI;
February 12, 2021.

SUBRAT PATHAK

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for constitution of Aroma Board. Clause 5 provides for appointment of Secretary and other officers and employees to the Board. Clause 6 provides for the constitution of Advisory Committees by the Board. Clause 17 provides for the grants and loans by the Central Government. Clause 18 provides for the constitution of a Aroma Board Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 the Bill empowers the Central Government to issue orders to control price and distribution of aroma. Clause 14 empowers the Central Government to issue orders to prohibit or control import of aroma. Clause 15 empowers the Central Government to issue directions. Clause 16 empowers the Central Government to issue notification to supersede the Board. Clause 33 empowers the Central Government to make rules to carry out the purposes of this Act. Clause 34 empowers the Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act. As the orders, directions, notifications, rules and regulations will relate to matters of detail only, the delegation of legislative power is of a normal character.

LXXXIII

BILL NO. 46 OF 2022

A Bill further to amend the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Criminal Law (Amendment) Act, 2022.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE, 1860

Substitution of
new section for
section 272.

2. For section 272 of Indian Penal Code, 1860 (hereinafter referred to as the Penal Code), the following section shall be substituted, namely:— 45 of 1860.

Adulteration of
food or drink
intended for sale.

"272. Whoever adulterates any article of food or drink so as to make such article noxious upon ingestion or coming in contact, with the intention to sell such article as food or drink, or knowing it to be likely that such article will be sold as food or drink, shall be punished, where such adulteration,—

(i) does not result in injury, with imprisonment for a term which may extend upto six months and with fine which may extend upto one lakh rupees;

(ii) results in non-grievous injury, with imprisonment for a term which may extend upto one year and with fine which may extend upto three lakh rupees;

(iii) results in a grievous injury, with imprisonment for a term which may extend upto six years and with fine which shall not be less than five lakh rupees; or

(iv) results in death, with imprisonment for a term which shall not be less than seven years but which may extend upto imprisonment for life and with fine which shall not be less than ten lakh rupees:

Provided that the fine imposed shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim or in case of death of the victim to the next of the kin."

Substitution of
new section for
section 273.

3. For section 273 of the Penal Code, the following section shall be substituted, namely:—

Sale of noxious
food or drink

"273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished, where such adulteration,—

(i) does not result in injury, with imprisonment for a term which may extend upto six months and with fine may extend upto one lakh rupees;

(ii) results in non-grievous injury, with imprisonment for a term which may extend upto one year and with fine which may extend upto three lakh rupees;

(iii) results in a grievous injury, with imprisonment for a term which may extend upto six years and with fine which shall not be less than five lakh rupees; or

(iv) results in death, with imprisonment for a term which shall not be less than seven years but which may extend upto imprisonment for life and with fine which shall not be less than ten lakh rupees:

Provided that fine imposed shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim or in case of death of the victim to the next of the kin."

CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

2 of 1974.

4. In section 357B of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of Criminal Procedure), for the words, figure and letter "under section 326A", the words, figure and letters "under section 272, section 273, section 326A" shall be substituted.

Amendment
of section
357B.

5. In the First Schedule to the Code of Criminal Procedure under the heading "I. - OFFENCES UNDER THE INDIAN PENAL CODE", for the entries relating to sections 272 and 273, the following entries shall be substituted, namely:—

Amendment
of First
Schedule.

1	2	3	4	5	6
"272.	Adulterating food or drink intended for sale, so as to make the same noxious — (i) where such adulteration does not result in injury (ii) where such adulteration results in non-grievous injury (iii) where the sale of such food or drink, results in a grievous injury (iv) where the sale of such food or drink, results in death	Imprisonment for a term which may extend upto six months and fine which may extend upto rupees one lakh. Imprisonment for a term which may extend upto one year and fine which may extend upto rupees three lakh. Imprisonment for a term which may extend upto six years and fine which shall not be less than rupees five lakh. Imprisonment for a term which shall not be less than seven year but which may extend upto imprisonment for life and fine which shall not be less than rupees ten lakh.	Cognizable Cognizable Cognizable Cognizable	Bailable Bailable Non-Bailable Non-Bailable	Any Magistrate Any Magistrate Any Magistrate Court of Sessions
273.	Selling any food or drink, as food or drink knowing the same to be noxious (i) where the sale, offer for sale or exhibition for sale of such food or drink, does not result in injury (ii) where the sale of such food or drink, results in non-grievous injury (iii) where the sale of such food or drink, results in a grievous injury (iv) where the sale of such food or drink, results in death	Imprisonment for a term which may extend upto six months and fine which may extend upto rupees one lakh. Imprisonment for a term which may extend upto one year and fine which may extend upto rupees three lakh. Imprisonment for a term which may extend upto six years and fine which shall not be less than rupees five lakh. Imprisonment for a term which shall not be less than seven years but which may extend upto imprisonment for life and fine which shall not be less than rupees ten lakh.	Cognizable Cognizable Cognizable Cognizable	Bailable Bailable Bailable Non-Bailable	Any Magistrate Any Magistrate Any Magistrate Court of Sessions."

STATEMENT OF OBJECTS AND REASONS

The National Survey on Milk Adulteration had conducted a survey some years back and found that due to lack of hygiene and sanitation in handling and packaging, detergents used in washing containers and other surfaces find their way into milk and milk products. The World Health Organization (WHO) in its research in 2018 found out that 68 per cent. of milk products in India are not as per Food Safety and Standards Authority of India (FSSAI) Standard.

In addition to the given research Honourable Supreme Court in its judgement in *Swami Achyutanand Tirth & Ors. v. Union of India & Ors.* AIR 2016 SC 3626, a writ petition filed in public interest highlighting the growing menace of sale of adulterated and synthetic milk in different parts of the country and the inability of concerned State Governments and the Union to take effective measures for combating the adulteration of milk with hazardous substances, directed the Central Government to come up with suitable amendments in relevant law.

Good health enhances economic productivity and improves development outcomes for the next generation of citizens. The need is to protect the right to health which on a principle basis is considered a right laid down under various international conventions which India is a part of. Such as under Article 12 of International Covenant on Economic, Social and Cultural Rights, 1966, Article 24 of Convention on the Rights of the Child, Article 25, Convention on the Rights of Persons with Disabilities, 2006.

The Law Commission of India in its 264th Report has also highlighted that "the provisions to deal with production and sale of adulterated food, which is harmful to human beings be made more stringent keeping in view the gravity of offence, the existing maximum punishment of six months for such offences under the IPC is grossly inadequate".

Hence, this Bill.

NEW DELHI;
February 16, 2022.

SUJAY RADHAKRISHNA VIKHEPATIL

LXXXIV

BILL NO. 52 OF 2022

A Bill to amend the Mental Healthcare Act, 2017.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Mental Healthcare (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

Amendment of
section 2.

2. In section 2 of the Mental Healthcare Act, 2017 (hereinafter referred to as the principal Act), in sub-section (1),—

(a) in clause (r), after sub-clause (iii) the following sub-clause shall be inserted, namely:—

"(iv) a psychotherapist, counsellor or psychoanalyst who has a degree in psychology and is eligible to provide therapy or counselling;"

(b) for clause (s), the following clause shall be substituted, namely:—

"(s) "mental illness" means a disorder of thinking, mood, perception, orientation, personality or memory that grossly impairs judgement, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence;"

Amendment of
section 3.

3. In section 3 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:

"Provided that the determination of whether the person has the capacity to make decisions regarding their mental healthcare or treatment shall be ascertained only by a psychiatrist or psychotherapist who is a qualified practitioner of modern medicine."

Amendment of
section 18.

4. In section 18 of the principal Act, in sub-section (10), after the first proviso, the following proviso be inserted, namely:

"Provided further that the essential medicines prescribed under ayurveda, yoga, unani, siddha, homoeopathy or naturopathy systems shall have the prior necessary approval from the appropriate Government."

Amendment of
section 22.

5. In section 22 of the principal Act, in sub-section (2), after the first proviso, the following proviso shall be inserted, namely:

"Provided further that before sharing such information with the nominated representative, consent shall be obtained from the person with mental illness, unless he has been determined incapable to consent in accordance with section 3."

STATEMENT OF OBJECTS AND REASONS

Mental well-being is an essential part of being healthy. The World Health Organization defines health as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. Poor mental health is an issue in itself, but more often than not, also gravely impacts physical health and well-being. Mental health conditions reduce the life expectancy of men and women by 20 and 15 years respectively. Thus, a healthy body can only be one that has a healthy mind. The right to health is a fundamental human right as per both article 21 of the Constitution of India and the Office of the United Nations High Commissioner for Human Rights.

Mental illnesses have been predicted to be the next epidemic, with one in seven Indians suffering in some degree. A report by the National Crime Records Bureau titled the 'Accidental Deaths and Suicides in India 2019' states that in 2019, a staggering 1.39 lakh Indians died by suicide and these are only the cases that were reported. The Office of the United Nations High Commissioner for Human Rights has estimated, in its report, that mental health conditions affect one in four people throughout their lifetime, and even then, almost two thirds of persons affected do not seek treatment due to stigma or lack of resources.

Thus, with such a large chunk of the population susceptible to mental illness, it becomes essential to take steps to combat this problem. India ratified the United Nations Convention for Rights of Persons with Disabilities (UNCRPD) in 2008, marking a paradigm shift at how mental health issues are viewed, making them a human rights issue that should be addressed based on equality and dignity.

In this context, the Mental Healthcare Act of 2017 is a step in the right direction, that attempts to move mental health away from stigma by making mental healthcare a right available to all, sans discrimination by way of its definition of a mental health professional and mental illness under section 2. However, the parent Act takes a step back, it defines a mental illness as only those disorders that are 'substantial', excluding many supposedly mild but still significant illnesses. The parent Act also includes substance abuse within its ambit, which has the effect of further stigmatizing mental illness, and does not do either the mentally ill or those caught in a cycle of substance abuse any good. Experts have deemed it necessary that alcohol and drug abuse not be included within the scope of a mental illness and be dealt with separately. Amending the definition is thus essential.

The definition of a mental health professional in the parent Act is also very restrictive, leaving out of its ambit qualified psychotherapists, counsellors, psychoanalysts, who have a degree in psychology and are eligible to provide therapy or counselling. It reduces mental healthcare to only advanced medical intervention, that requires medication. Consequently, assistance can be provided to the mentally ill at an advanced stage only, defeating preventive care. This is a flawed understanding of mental health, of which counselling and therapy are both inalienable components. Thus, it becomes imperative to amend this definition, widening its ambit.

Furthermore, the parent Act provides for determination of whether a person is capable to make decisions regarding their mental illness under section 3. However, it casts too wide a net by not stating that only trained professionals can do so, defeating the purposes of the Act. Including a safeguard as to who can make this determination is necessary to prevent misuse and further scientific diagnosis. Thus, this section should be amended to state that capacity can be ascertained by a psychiatrist or psychotherapist who is a practitioner of modern medicine only.

The parent Act, under section 18, further provides that essential medicines must be made available for all persons with mental illness free of cost, at health establishments run or funded by the appropriate Government starting from Community Health Centres and upwards in the public health system. This provision also applies to medicines prescribed by practitioners of the ayurveda, yoga, unani, siddha, homoeopathy or naturopathy systems. In the absence of a safeguard, this section has the scope of promoting quackery and unsafe and unscientific practices, under the garb of medication or treatment. Therefore, it is important that such medications as prescribed by ayurveda, yoga, unani, siddha, homoeopathy or naturopathy systems must necessarily have obtained approvals from the Government as mandated and applicable to modern, allopathic medicines.

Lastly, while the scheme of the entire parent Act is grounded in the mentally ill persons agency and rights, section 22 makes all of their confidential medical information accessible to their nominated representative, who has been placed on the same footing. In the absence of a provision as to consent, the mentally ill persons right to privacy gets endangered. Thus, until and unless they have been determined incapable to consent as under section 3 of the parent Act, the mentally ill person's consent with respect to sharing of their information must be obtained.

The objective of this Bill, is therefore, to enable the intent of the parent Act to be fulfilled by truly creating a person-centric and rights-based mental healthcare ecosystem that fosters equality and dignity, by making the amendments suggested above.

Hence, this Bill.

NEW DELHI;
February 16, 2022.

SUJAY RADHAKRISHNA VIKHEPATIL

LXXXV

BILL NO. 88 OF 2022

A Bill to amend the Protection of Women from Domestic Violence Act, 2005.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Women from Domestic Violence (Amendment) Act, 2022.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 2.

2. In section 2 of the Protection of Women from Domestic Violence Act, 2005 43 of 2005.
(hereinafter referred to as the principal Act),—

(a) in clause (a), after the words "domestic relationship", the words "or a live-in relationship" shall be substituted.

(b) after clause (h), the following clause shall be inserted, namely:—

"(ha) 'live-in relationship' means the domestic relationship between two persons cohabiting for reasonable period of time without marriage and who are adults as per the Majority Act, 1875 and having legal age to marry;"

(c) in clause (q),—

(i) for the words "any adult male person", the words "any adult person" shall be substituted; and

(ii) in the proviso, for the words "relative of the husband or the male partner", the words "relative of the husband or the male partner including female relatives of the respondent husband or the male partner" shall be substituted; and

(d) after clause (s), the following proviso shall be inserted, namely:—

"Provided that the term 'shared household' shall extend to the house of relatives of the respondent male-adult, to which neither aggrieved person nor respondent have right, title or beneficial interest, if the aggrieved person and the respondent have shared the said household for any period of time for the purposes of domestic relationship or live-in relationship."

Amendment of
section 17.

3. In section 17 of the principal Act, after clause (2) the following clause shall be inserted, namely:—

"(3) The aggrieved person shall be provided alternate and equivalent accommodation by the respondent if the aggrieved person refuses to live in the shared household or any part of it."

STATEMENT OF OBJECTS AND REASONS

The Protection of Women from Domestic Violence Act, 2005 aimed at providing more effective protection of the rights of women guaranteed under the Constitution to those women who are victims of violence of any kind occurring within the family. However, in many instances the legislation has not been of use as there have been loopholes and lacunas in the legislation. It was also an observation that amidst the pandemic of COVID-19, there was a rise in the cases of Domestic Violence, which led to issuance of a nationwide WhatsApp number by the National Commission of Women. Furthermore, in the year 2021, the National Commission of Women received its highest number of complaints since 2014 which was 31,000. These are the cases which brought before the Commission, however, many voices are still suppressed and lie in darkness.

There is also a phenomenon where the Mother-in-law and Sister-in-Law of the women or any female member of the family could be involved in the acts of domestic violence, however, the law of domestic violence holds only adult male person responsible and assigns him as respondent. This is a major lacuna as well as it violates the principles of Article 14. This was recognized by the Apex Court in a landmark judgement. In the case of Hiral P. Harsora vs. Kusum Narottamdas Harsora (2016) 10 SCC 165, the Hon'ble Supreme Court struck down the phrase 'any adult male person' for being violative of article 14 of the Constitution as the respondent in the cases of domestic violence is not merely an adult male person and the aggrieved person must be free to bring case against mother-in-law and sister-in-law of the respondent. However, there have no steps taken to simplify the law through amendment and make the respondent as gender neutral.

It is also noted that the residence and shared household is also a common issue for women as they are ousted from their place of residence which was once their shared household. Furthermore, in the case S.R. Batra vs. Taruna Batra (2007) 3 SCC 169, it was held by the Hon'ble Supreme Court that, section 17(1) of the principal act, that the residence in the name of other relatives of the family is not under the ambit of shared household. However, this decision is contrary to the spirit of the principal Act as the aim of the legislation to protect the women and their right to the household. This decision of the Hon'ble court can lead to a lot of women suffering through lack of homes. It is imperative to note here that the women often have domestic relationship and shared household with male adult person and the said residence belongs to his family members. Thus, ouster from such home also must and should amount to cruelty.

This Bill seeks to ensure the aforementioned situations do not arise and the safety, security of the women in the society is not compromised. Therefore, by the means of reasons provided above and in the interest of women empowerment and welfare and protection of rights of women these amendments are required which is applicable across the country.

Hence, this Bill.

NEW DELHI;
February 28, 2022.

SUJAY RADHAKRISHNA VIKHEPATIL

LXXXVI

BILL NO. 103 OF 2022

A Bill to create mass awareness among the people of all walks of life to prevent breast cancer among females, provide free screening and mammography for the women across the country and provide the advanced state-of-the-art treatment for those diagnosed with breast cancer and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Breast Cancer (Awareness) Act, 2022.

(2) It extends to the Union territories only.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "breast cancer" means a disease in which cells in the breast begin to grow out of control to form a lump;

(c) "events" includes seminars, workshops and awareness campaigns;

(d) "free medical treatment" includes supply of medicines, lab laboratory tests medical therapy and other medical procedure free of cost to breast cancer patients;

(e) "notification" means notification as published by the Official Gazette;

(f) "screening" means the mammography or x-ray of the breast to diagnose breast cancer; and

(g) "prescribed" means as prescribed by rules made under this Act.

3. The Central Government shall take such steps, as may be necessary, for creating awareness among the masses about the symptoms and treatment of breast cancer through the means of mass media and by organizing such events as it deem fit.

Central Government to create awareness.

4. The appropriate Government shall provide for free medical screening in both urban and rural areas with the aid of local authorities to diagnose cases of breast cancer.

Appropriate Government to provide free medical screening.

5. The appropriate Government shall provide free medical treatment to every breast cancer patient in Government hospitals, in such manner as may be prescribed.

Appropriate Government to provide free medical treatment.

6. (1) The Central Government shall, by notification in the official Gazette, constitute a National Level Committee to monitor the progress regarding awareness amongst the masses about the symptoms and treatment of breast cancer.

Constitution of National and State Level Committees.

(2) The National Level Committee constituted under sub-section (1) shall consist of,—

(a) the Union Minister of Health and Family Welfare as Chairperson—*ex-officio*;

(b) such number of oncologists, surgical oncologists, medical professionals and representatives from non-Governmental Organisations involved in breast cancer awareness programme to be nominated by the Central Government in such manner as may be prescribed—*members*; and

(c) the Secretary, Union Minister of Health and Family Welfare, member-secretary—*ex-officio*.

(3) The National Level Committee shall meet at least once in six months and submit a report regarding the progress in creating awareness about the symptoms and treatment of breast cancer to the Government in such manner as may be prescribed.

(4) The Central Government on receipt of report under sub-section (3) shall cause such report before each House of Parliament.

(5) The salary and allowances payable to and other terms and conditions of services of members of the National Level Committee shall be such as may be prescribed.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf provide adequate funds, from time to time, to the State Governments for effective implementation of the provisions of this Act.

Act to have override effect.

8. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act not in derogation of other law.

9. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the House of Parliament while it is session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modifications in the rule or both the Houses agree that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

Breast cancer among females has been on a rapid rise in the last decade and according to Indian Council of Medical Research 1.5 lakh new cases of breast cancer were reported in the year 2016. Moreover, the National Cancer Registry and Indian Council of Medical Research put breast cancer as the most common cancer in women in India. Breast cancer accounts for 29 per cent. of all cancers in women in India, with the incidence rising in the early thirties and peaking at ages 50-65 years. It is estimated that one in 28 women is likely develop breast cancer during her lifetime.

Due to unawareness among masses about the rapid rise and severity of breast cancer, it is usually diagnosed in an advanced stage, where the treatment becomes ineffective and expensive. Recent trends also show that in India younger women are also exposed to the risk of breast cancer.

The Centre and State Governments should work together to provide free diagnosis and medical treatment to women affected with breast cancer and help combat this grave disease.

Hence, this Bill.

NEW DELHI;
March 25, 2022.

T. SUMATHY(A) THAMIZHACHI
THANGAPANDIAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that Central Government shall create awareness amongst masses about the symptoms and treatment of breast cancer. Clause 4 provides for free medical screening of women to diagnose breast cancer. Clause 5 provides for free medical treatment of breast cancer patients. Clause 6 provides for the constitution of National Level Committee to monitor the progress regarding awareness amongst the masses about the symptoms and treatment of breast cancer. Clause 7 provides that the Central Government shall provide adequate funds to the State Government for the purpose of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LXXXVII

BILL NO. 154 OF 2022

A Bill further to amend the Right of Children to Free and Compulsory Education Act, 2009.

BE it enacted in the Seventy-third year of the Republic of India as follows:—

1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2022. Short title and commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In the long title of the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the principal Act) and in the principal Act for the words "fourteen years" wherever they occur, the words "eighteen years" shall be substituted. Substitution of references to certain expressions by certain other expression.

Amendment of
section 2.

3. In section 2 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

"(c) "Child" means any person below the age of eighteen years."

Amendment of
section 3.

4. In section 3 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

"Provided that the appropriate Government shall set up special schools with proper educational infrastructure in each district for—

(a) children belonging to disadvantaged groups including the Scheduled Caste, the Scheduled Tribe, minorities, refugees and children living with or affected with Human Immunodeficiency Virus;

(b) children belonging to backward classes under socially and educationally backward classes; and

(c) children belonging to economically weaker section including child belonging to such parent or guardian whose annual income is lower than the minimum limit as prescribed by the appropriate Government."

STATEMENT OF OBJECTS AND REASONS

Indian school education system is one of the largest in the world with more than 15 lakh schools, nearly 97 lakh teachers, and nearly 26.5 crore students in pre-primary to higher secondary levels from varied socio-economic backgrounds.

Education is one of the essentials of life for every child across the country and the tool of education is one way to bring change. Education has become an essential path to achieving success and progress in life for all. It is a pathway in order to bring a change and the most important thing which matters is the quality of education that determines the standards of education.

School education plays a vital role in life. Every level of education has its importance and role in the development of an individual. We all want to see our children be successful in life which is only possible through quality and the right to education.

Education has become very important in today's modern technological world. The crucial role of universal elementary education in strengthening the social fabric of democracy through the provision of equal opportunities to all has been accepted since the inception of our Republic. Our Constitution lays down that the State shall provide free and compulsory education to all children up to the age of fourteen years as a Fundamental Right.

But, recent COVID-19 brought forth unprecedented changes across all sectors. One sector, particularly hit hard, is school education. Schools have been closed for nearly eight months. The World Bank and other agencies have predicted a reduction of nearly \$400 billion in the prospective earning capacity of India due to school closures.

Last year saw a lot of concern about school closures leading to 'learning loss' and higher dropout rates. A lot of digital content was generated and transmitted to help children continue to learn while at home. But it was reported that at the peak of the pandemic, around 24.7 crore school children were impacted owing to the closure of schools. The digital divide was the root cause that posed a problem for children who could not access remote learning when schools were shut down. Especially children from low-income homes suffered a major loss and faced challenges in accessing the remote learning.

Annual Status of Education Report (ASER) 2021 found out that the non-enrolment of children in the 6-14 age group went up from 2.5 per cent in 2018 to 4.6 per cent in 2021 in rural schools, the decline was however more for boys than girls and highest in the 7-10 age groups.

The reason was the academic disruption caused owing to the pandemic, which led to the shutting down of schools. According to the ASER 2020-2021 survey, possible reasons could be the shutdown of low-cost private schools, financial distress of parents, and families migrating back to villages. The number of children, particularly children from disadvantaged groups and weaker sections, who drop out of school before completing elementary education, remains very large. Moreover, the quality of learning achievement is not always entirely satisfactory even in the case of children who complete elementary education.

In today's time, so many issues are growing and have become challenging, especially for those who belong to disadvantaged groups with no solution. Today is the time when education should be provided to each and every person, ensure that the students belonging to a lower-middle-income class are able to face the challenges in life and provide them with education because it's their right and to bring change. Making the education universalized for children belonging from the age of 6 to 18 years is that every child should be given the opportunity to study and should have access to education to spreading mass literacy, helping in the basic requirement for economic development and which is the indispensable first step towards the provision for the equality of opportunity to all citizens.

The present Bill seeks to substitute the definition of child and amend the age of child in the Right to Free and Compulsory Education Act, 2009. The purpose of including the definition of a child is to lay down that every child means a person who is below eighteen years of age, the bill tries to keep the definition gender-neutral in view of providing education to each and every child in the country. The purpose of amending the age from 6 to 18 is that excluding the children between 14 to 18 is not concrete.

The need is also to help in universalizing education in order to provide equal opportunities to all children irrespective of age, gender, sex, or caste. The right to education is a fundamental right why it should be only limited to a certain group of age, it should be provided to all in order to the modernization of social structure and the effective functioning of a democratic institution. It also represents an indispensable first step toward the provisions of equality of opportunity for all citizens which will make them vocal and advocate for bringing in better change in the future.

The present Bill also seeks to specifically lay down the guidelines that talks about setting up and establishing special schools with educational infrastructure to provide education to the children who belong to disadvantaged groups, backward classes, and weaker sections of society. The purpose of substituting this section in order to provide equal education to all despite any social constraints and economic barrier. They should be included in each and every aspect, and be given equal opportunity to bring change. It's their fundamental right to have free and compulsory education and also the right to education as prescribed in the Convention on the rights of the child, establishing special schools with educational infrastructure for those children who belong to disadvantaged groups and weaker sections of the society, in order to set up special schools in each district of the country by the Central Government to ensure free and compulsory school education to all children in the country.

The proposed legislation is anchored in the belief that the values of equality, social justice, and democracy and the creation of a just and humane society can be achieved only through the provision of inclusive elementary education to all. Provision of free and compulsory education of satisfactory quality to children from the disadvantaged and weaker sections irrespective of age, gender, sex, and caste.

Hence, this Bill.

NEW DELHI ;
July 5, 2022.

APARUPA PODDAR

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the appropriate Government to set up special schools with proper educational infrastructure in each district for children belonging to disadvantaged groups, other backward classes and weaker sections. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum would be involved from the Consolidated Fund of India is likely to be involved.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

LXXXVIII

BILL NO. 148 OF 2022

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2022.

(2) It shall come into force on such date as the Central Government may by notification in the official Gazette, appoint

Amendment of
article 239AA.

2. In article 239AA of the Constitution, in clause (2), in sub-clause (b), for the words "Scheduled Castes", the words "the Scheduled Castes and the women" shall be substituted.

Amendment of
article 330.

3. In article 330 of the Constitution, in clause (1), after sub-clause (c), the following sub-clause shall be inserted, namely:—

"(d) the other Backward Classes;"

4. After article 330 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 330A.

"330A. (1) Seats shall be reserved for women in the House of the People.

Reservation of seats for women in the House of the people.

(2) As nearly as may be, one-fifth of the total number of seats reserved under clause (2) of article 330 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be:

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State or Union territory is one, then, in every block comprising of five general elections to the House of the People, the seat in the first general elections shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes and no seat shall be so reserved in the other four general elections:

Provided further that where the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State or Union territory are two, then, in every block comprising of five general elections to the House of the People, —

(a) one seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

(b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes in the third, fourth and fifth general elections.

(3) As nearly as may be, one-fifth (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes or the Other Backward Classes) of the total number of seats to be filled by direct election to the House of the People in a State or Union territory shall be reserved for women and such seats may be allotted by rotation to different constituencies in that State or Union territory in such manner, as Parliament may by law determine:

Provided that where the seat, not being a seat reserved for the Scheduled Castes or the Scheduled Tribes or Other Backward Classes, in relation to a State or Union territory is one, then, in every block comprising of five general elections to the House of the People, the seat in the first general elections shall be reserved for women and no seat shall be so reserved for women in the other four general elections:

Provided further that where the seats, not being seats reserved for the Scheduled Castes or the Scheduled Tribes, in relation to a State or Union territory are two, then in every block comprising of five general elections to the House of the People,—

(a) one seat shall be reserved for women in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

(b) no seat shall be reserved for women in the third, fourth and fifth general elections."

Amendment
of article 332.

5. In article 332 of the Constitution, in clause (1), for the words "the Scheduled Tribes", the words "the Scheduled Tribes and the Other Backward Classes" shall be substituted.

Insertion of
new article
333A.

6. After article 332 of the Constitution, the following article shall be inserted, namely:

Reservation of
seats for
women in the
Legislative
Assemblies of
the States.

"332A. (1) Seats shall be reserved for women in the Legislative Assembly of every State.

(2) As nearly as may be, one-fifth of the total number of seats reserved under clause (3) of article 332 shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

Provided that where the seat reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State is one, then, in every block comprising of five general elections to the Legislative Assembly of that State, the seat in the first general elections shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be:

Provided further that where the seats reserved for the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes, as the case may be, in relation to a State are two, then, in every block comprising of five general elections to the Legislative Assembly of that State,—

(a) one seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or Other Backward Classes in the first two general elections in such a manner that the same constituency is not reserved for women in both the aforesaid elections; and

(b) no seat shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes in the third, fourth and fifth general elections.

(3) As nearly as may be, one—

Fifth (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes or the Other Backward Classes) of the total number of seats to be filled by direct election in the Legislative Assembly of every State shall be reserved for women and such seats may be allotted by rotation to different constituencies in that State in such manner, as Parliament may by law determine."

Insertion of
new article
333A.

7. After article 334 of the Constitution, the following article shall be inserted, namely:—

Reservation of
seats for
women to
cease after
twenty-five
years.

"334A. Notwithstanding anything in the foregoing provisions of this Part or Part VIII, the provisions of the Constitution relating to the reservation of seats for women in the House of the People, the Legislative Assembly of a State and the Legislative Assembly of the National Capital Territory of Delhi shall cease to have effect on the expiration of a period of twenty-five years from the commencement of the Constitution (Amendment) Act, 2022:

Provided that nothing in this article shall affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the then existing House, Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be."

8. The amendments made to the Constitution by this Act, 2022 shall not affect any representation in the House of the People, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi until the dissolution of the House, the Legislative Assembly of a State or the Legislative Assembly of the National Capital Territory of Delhi, as the case may be, in existence at the commencement of the said Act.

Amendments
not to affect
the represen-
tation in the
House
of the People
or Legislative
Assembly of a
State or the
Legislative
Assembly of
the National
Capital
Territory of
Delhi.

STATEMENT OF OBJECTS AND REASONS

As of June, 2021, India ranked 148th in a list of 193 countries on the basis of the percentage of elected women representatives in the national parliaments. In March, 2021, there were seventy-eight women Members of Parliament in the House of the People, which was the highest ever number recorded. As on April, 2022, the highest number is now eighty-one. The first ever House of the People had only twenty-four. Women's representation in the House of the People comprises only 14.4 per cent., significantly lower than the global average of 25.8 per cent. for lower houses of the Parliament. When it comes to occupying leadership roles, the numbers are even lower, a paltry 6 per cent. The staggeringly slow rate of growth, years after independence, indicates that steps must be taken to mitigate this lack of representation. India's numbers are lower than even the likes of Afghanistan, Pakistan and Saudi Arabia.

The Constitution of India guarantees equality before the law and also equality of opportunity, that is not biased based on sex, gender, religion, caste, creed or any other consideration. While this law exists on paper, this amendment seeks to make it a reality in the House of the People, by enhancing the opportunities available to women, and especially women from the lower strata of society, i.e., those belonging to Scheduled Castes, Scheduled Tribes, or Other Backward Classes.

The absence of a large chunk of the country's population, i.e., around 48.5 per cent. from the annals of the highest policy and law-making institution of the country is alarming and a cause of concern about the roundedness of the policing being churned out. More women reservation can lead to more diversity in decision making. It can also enable proper addressing of all gendered perspectives that governance issues are rife with. Countries such as Rwanda and Finland are exceptional examples of how a shift in gender roles leads to better functioning of democracies.

Twenty States of India have implemented a fifty percent representation of women at the Panchayat or Village Council level. This has had many benefits, including better policies, governance and even fiscal expenditure. But there is not much to celebrate. More often than not, cases of women leaders being used as proxies come to light. The State of Nagaland has never seen a woman Member of Legislative Assembly and there is no woman Member of Parliament from the erstwhile State of Jammu and Kashmir and States such as Tripura, Nagaland, Arunachal Pradesh, and Himachal Pradesh.

Thus, by way of this amendment, an attempt is being made to bring to fruition an endeavor that was spearheaded more than two decades ago. There is enough evidence to suggest that doing so would lead to more investments in public goods related to socio-economic concerns, such as drinking water and roads. It will also lead to more nuanced legislations, a rising from lived experiences. Lastly, it will enhance women participation, self-esteem, public confidence and be an excellent step in fulfilling the constitutional mandate of gender equality.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

APARUPA PODDAR

LXXXIX

BILL NO. 168 OF 2022

A Bill to provide for the welfare and protection of the fishermen and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Fishermen (Protection and Welfare) Act, 2022.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Board" means Fishermen Welfare Board constituted under section 3;

(c) "fisherman" means a person engaged in fishing and fishing related works such as repairing, maintaining and manning boats, nets and other equipments used in fishing or peeling, drying and selling of fish and solely dependent on the income earner from elling of fish;

(d) "Fishermen Welfare Officer" means an officer appointed under section 7;

(e) "Fund" means the Fishermen Welfare Fund constituted under section 8;

(f) "prescribed" means prescribed by rules made under this Act; and

(g) "Tribunal" means the Fishermen Tribunal constituted under section 6.

Constitution
of Fishermen
Welfare
Board.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board to be known as the Fishermen Welfare Board.

(2) The Board shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Board shall consist of,—

(i) a Chairperson and four other members to be appointed by the Central Government in such manner as may be prescribed;

(ii) not more than one representative each from the Coastal States and Union territories to be nominated by the respective State Governments and Union territories Administrations;

(4) The Central Government shall provide to the Board such number of officers and staff as may be necessary for the efficient functioning of the Board.

(5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson and other members, officers and staff of the Board shall be such as may be prescribed.

Formulation
of a scheme
for the
welfare of
fisherman.

4. (1) As soon as may be, but not later than one year from the commencement of this Act, the Board shall, in consultation with the appropriate Governments, formulate a scheme for the welfare of fishermen.

(2) Without prejudice to the generality of the foregoing provision, the scheme shall provide for,—

(i) provision of boats, nets, jetties and life boats at concessional rates;

(ii) provision of loan facilities for purchasing of boats, nets and life boats;

(iii) provision of cold storage facilities for fish and other 'catches' by fishermen at subsidized rates;

(iv) facilitating the export of fish;

(v) transportation facility of processed fish to seaport or airport for the purpose of export at concessional rates;

(vi) insurance facilities for the fishermen;

(vii) free health care facilities to fishermen and their family members;

(viii) old age pension for the fishermen;

(ix) subsistence allowance during such situations as floods, storms or rains when fishermen cannot go into sea for fishing; and

(x) housing facilities at concessional rates; and

(xi) payment of compensation in cases of accident during fishing operations.

5. Notwithstanding anything in this Act or any other law for the time being in force, the Central Government shall pay compensation of—

Compensation to fishermen.

(i) rupees ten lakh to the nearest kin of a fisherman in case of his death when involved in occupation which shall be in addition to any assistance extended by a State Government; or

(ii) rupees five lakh to the fisherman in case of a serious injury to him due to any accident while catching fish on the high seas or actions of the pirates.

6. (1) The appropriate Government may, by notification in the Official Gazette, constitute for any area specified therein a Tribunal to be known as the Fishermen Tribunal for carrying out the purpose of this Act.

Constitution of Fishermen Tribunal.

(2) The Tribunal constituted under sub-section (1) shall consist of a sole member, who shall be an officer not below the rank of Deputy Collector of the district concerned to be appointed by the appropriate Government in such manner as may be prescribed.

(3) The Tribunal shall hear and adjudicate all cases relating to welfare of fishermen in such manner as may be prescribed.

(4) The Central Government shall, in consultation with the State Government prescribe rules for the procedure of the Tribunal.

7. (1) The appropriate Government shall appoint a Fisherman Welfare Officer for carrying out the purpose of this Act.

Appointment of Fisherman Welfare Officer.

(2) The salary and allowances payable to and other terms and conditions of services of Fisherman Welfare Officer shall be such as may be prescribed.

8. (1) The Central Government shall in consultation with the State Government shall constitute a Fund to be known as the Fishermen Welfare Fund to which the Central Government and the State Governments shall contribute in such a ratio as may be prescribed.

Constitution of the Fishermen Welfare Fund.

(2) The Fund constituted under sub-section (1) shall be utilised to give effect to the provisions of this Act.

9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

Power to
remove
difficulties.

10. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to
make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Fishing is one of the major livelihoods practiced by the fishermen in the coastal areas. It is an important sector in India. It provides employment to millions of people and contributes to the food security of the country with extensive freshwater resources, fisheries play a vital role. There are approx. 2,80,63,537 fishermen in India are gaining livelihood only through this sector.

There are many problems experienced by traditional fishermen, including a lack of skills, limited facilities, and extreme competition. They have been bearing the brunt of sea erosion and climate change. The Covid outbreak and the economic slowdown affected the fisheries sector and many people have lost their source of income. The local fisher folk says that they fear of losing their livelihood as they're neither catching enough fish nor are they get paid enough for what they catch. Moreover, the ban along with perpetual bad weather due to low pressure in the sea further adding to their woes.

This bill seeks to provide for the welfare and protection of the rights of the fisherman and the matters related to it. The bill's main objective is protection and welfare of the fishermen. It establishes a tribunal that will carry out the functions of the Fisherman Tribunal which will help in solving and addressing the fishing and fishermen-related disputes. The bill seeks to establish a fund to help provide compensation and award the money to the fishermen who have suffered an injury, loss, or damage owing to any dispute and climate-related events. The Bill also aims to provide a specific scheme for the welfare of the fishermen, it will help them to obtain the benefits from the given scheme which will provide them with benefits of provisions of boats, nets, jetties, and lifeboats at concessional rates, loan facilities, cold storage facilities at the subsidized rates, transportation facilities, insurance facilities, healthcare and educational facilities for fishermen and family members, age-old pension, housing facilities and lastly than the compensation and losing for the livelihood owing to the extreme weather events causing damage.

This bill seeks to protect these fishermen of the coastal regions, then their occupation of fishery besides being a constant source of income for the people of the region, also support their daily meal requirements.

Hence, this Bill.

NEW DELHI;
July 5, 2022.

APARUPA PODDAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of the Fishermen Welfare Board. Clause 5 provides for compensation to fishermen in case of serious injury or death. Clause 6 provides for constitution of Fishermen Tribunal. Clause 7 provides for appointment of Fishermen Welfare Officer. Clause 8 provides constitution of Fishermen Welfare Fund. Clause 9 provides that the Central Government provide requisite funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty thousand crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of rupees seven thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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BILL NO. 106 OF 2022

A Bill further to amend the Juvenile Justice (Care and Protection of Children) Act, 2015.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2022.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 86 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in sub-section (2), for the words "non-cognizable", the words "cognizable" shall be substituted.

Amendment of
section 86.

STATEMENT OF OBJECTS AND REASONS

The Juvenile Justice (Care and Protection of Children) Act was enacted in the year 2015 with the objective to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation.

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2021 made certain amendments to the principal Act, including section 86 thereof. Section 86 originally provided, *inter alia*, that an offence carrying punishable of imprisonment for three years and above upto seven years, shall be cognizable and non-bailable. However, the aforesaid amendment Act changed this provision to provide that such offences shall be non-cognizable and non-bailable. These include serious offences as defined under section 2(54) of the principal Act.

One such offence is sale and procurement of children for any purpose (section 81). The offence is punishable with rigorous imprisonment for upto five years. In the Act, as originally enacted, this offence was cognizable and the police was mandated to register a case and start investigation. Now, the offence has been made non-cognizable. The aggrieved must, therefore, approach the appropriate court and seek directions from the court for registration of a case so that the investigation may begin. Since these offences are committed against children, who are socially very vulnerable, it would be utterly absurd to expect such children or their parents to approach court for registration of a case. The new provision will definitely reduce the number of registered offences, but, at the same time, it will seriously dent the very objective of the Act, i.e. "care and protection of children" as a majority of such offences will remain unrecorded.

It is, therefore, essential that the aforesaid amendment to section 86 of the Act making such offences non-cognizable, is rescinded and the original provision, appearing in the original Act, is restored.

The Bill seeks to achieve the above objects.

NEW DELHI;
February 23, 2022.

BHARTRUHARI MAHTAB

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BILL NO. 84 OF 2021

A Bill further to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2022.

Short title
and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment
of section 2.

2. In section 2 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in sub-section (1),—

33 of 1989.

(i) after clause (bg), the following clause shall be inserted, namely:—

"(bh) "ragging" means any act of physical or mental abuse (including bullying and exclusion) targeted at another student belonging to the Scheduled Castes or the Scheduled Tribes (fresher or otherwise) on the ground of colour, race, religion, caste, ethnicity, gender (including transgender), sexual orientation, appearance, regional origin, linguistic identity, place of birth, place of resident or economic background;"

(ii) the existing clauses (ec) and (ed) shall be re-numbered as (ed) and (ef) and before the clauses (ed) and (ef) as so re-numbered, the following clause shall be inserted, namely:—

"(ec) "unfavourable treatment" means any adverse changes in the working environment, denial of training and denial of opportunities for advancement, unfavourable probationary reports, vexatious grievances and exclusion of any student belonging to the Scheduled Castes or the Scheduled Tribes by his peers or any person in supervisory capacity.;"

Amendment
of section 3.

3. In section 3 of the principle act, in sub-section (1),—

(i) after clause (zc), the following clauses shall be inserted, namely:—

"(zd) indulges in targeted ragging and humiliation of any student or a section of students belonging to the Scheduled Caste or the Scheduled Tribe;
or

(ze) passes derogatory remarks against any student belonging to the Scheduled Caste or the Scheduled Tribe indicating caste or linking reservation quota as a reason for underperformance in classrooms of educational institutions;
or

(zf) indulges in or attempts in segregation of any student or a section of the Scheduled Caste or the Scheduled Tribe students in classrooms and sports facilities of educational institutions; or

(zg) makes or attempts to make an unfavourable treatment to any student or a section of students belonging to the Scheduled Caste or the Scheduled Tribe in making available various facilities like playgrounds, labs, library, hostels or preventing them from participating in sports and cultural events."

STATEMENT OF OBJECTS AND REASONS

The cases of suicide by students belonging to the Scheduled Caste and Scheduled Tribe communities due to caste based discrimination are taking place in higher education institutions of our country. This is a worrisome phenomenon as the social evil of caste based discrimination is still practiced even among the educated sections of the society. The reports by Prof. S.K. Thorat Committee and Prof. B. L. Mungekar Committee set up by the Government at various points of time to look into complaints of caste based discrimination in some of the elite higher educational institutions, point out rampant discrimination against the students belonging to the Scheduled Castes and Scheduled Tribes. Discrimination against the Scheduled Castes or the Scheduled Tribes students take many forms such as segregation of students as per caste, insulting by using derogatory remarks, ragging, labelling as below average due to reservation etc. and has caused mental agony and stress among the students belonging to the Scheduled Castes and the Scheduled Tribes. This affects the students' life in higher educational institutions adversely and pushes them to the brink of committing suicide.

This Bill, therefore, seeks to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a view to bring in ragging, segregation of students as per caste and labelling students as reserved category students unfavourable treatment in the category of offence under the parent Act and to put a check on such unlawful activities.

Hence, this Bill.

NEW DELHI;
October 25, 2019.

KIRIT PREMJBHAI SOLANKI

UTPAL KUMAR SINGH
Secretary General